

**Milwaukee Police Department**

Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Alfonso Morales

Chief of Police

(414) 933-4444

January 17, 2019

MuckRock News
Attn: Vanessa Nason
Dept MR 51257
411A Highland Ave
Somerville, MA 02144-2516

Dear Vanessa Nason:

This letter is in response to your records request dated March 16, 2018, in which you have made a request for records pursuant to the Wisconsin Public Records Law. Wis. Stat. §§ 19.31-39. You have requested the following:

- See Attached Request

The public policy in this state is to give the public the greatest amount of access to government records as possible. Wis. Stat. § 19.31. The general presumption is that government records are open to the public unless there is a clear statutory or common law exception. If there is no clear statutory or common law exception the custodian must "decide whether the strong presumption favoring access and disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure." *Hempel v. City of Baraboo*, 2005 WI 120, § 28 (Citations omitted). Notwithstanding the presumption of openness, the public's right to access to public records is not absolute. *Journal/Sentinel v. Aagerup*, 145 Wis. 2d 818, 822 (Ct. App. 1988).

The records custodian has determined that the following items are responsive to your request:

1. Standard Operating Procedure 112 – Sexual Assault
2. Standard Operating Instruction – Sexual Assault Investigations
3. Standard Operating Procedure 560 – Property
4. Standard Operating Procedure 725 – Crime Scene Investigations
5. Standard Operating Procedure 740 – Forensic Evidence Collection
6. Disc Containing Number of Sexual Assault Kits Collected/Inventoried/Processed
7. Disc Containing Sexual Assault Kit Backlog
8. Disc Containing WRCL Sexual Assault Kit Dispositions

Upon review of your request and upon inspection of Milwaukee Police Department (MPD) records, the records custodian has determined that there are no records that are responsive to portions of your request. We are unable to locate any audits involving this agency regarding the collection or backlog of Sexual Assault Evidence Kits. Under Wisconsin law, a records custodian need not create a new record in response to a records request for a nonexistent record. Wis. Stat. § 19.35(1)(L).

Regarding your request for "all proposed alterations or yet-to-be-implemented changes to the policies and procedures regarding the collection, testing, and use of Sexual Assault Evidence Kits," as per Wis. Stat. § 19.32(2), the definition of a record explicitly does not include drafts or notes. Because neither drafts nor notes are included within the definition of a record, any drafts or notes have been separated from the responsive record.

The records that MPD believes to be responsive records are enclosed. With the transmission of these records to you, the records custodian will consider your request closed.

Sincerely,

ALFONSO MORALES
CHIEF OF POLICE


KERRY NAMIN
POLICE SERGEANT

AM: CMR: cmr
H17422 Response Letter



Police Department

Alfonso Morales
Chief of Police

MuckRock News
ATTN: Vanessa Nason
Dept MR 51257, 411A Highland Ave
Somerville, MA 02144-2516

OPEN RECORDS SECTION
Individual Invoice for Request #H17422

Request: H17422 Received October 02, 2018

Programming Time	0.0	\$0.00	Total Pages	55	\$13.75
Location / Redaction Time (Hrs)	0.0	\$0.00	CDMediaCost	3	\$30.00
			Photo Cost	0	\$0.00
Returned By			Notary/Certification Fee		\$0.00
			Postage		\$4.51
			Total Amount Due		\$48.26

Itemized Listing:

Item	Request	Description	Time (Hrs)	Pages	CDs	Photos
1	Other Records	SOP 112 - Sexual Assault		4		
2	Other Records	SOI - Sexual Assault Investigations		5		
3	Other Records	SOP 560 - Property		28		
4	Other Records	SOP 725 - Crime Scene Investigations		6		
5	Other Records	SOP 740 - Forensic Evidence Collection		12		

Return This Portion With Your Check or Money Order
Remittance For Request No. H17422

Vanessa Nason
Dept MR 51257, 411A Highland Ave
Somerville, MA 02144-2516

Total Due: \$48.26

DO NOT SEND CASH!
PAYMENT DUE WITHIN 10
DAYS

Milwaukee Police Department
Open Records Section
P.O. Box 531
Milwaukee, WI 53201

Prog Time	0.0	\$0.00
Loc/Red Time	0.0	\$0.00
Total Pages	55	\$13.75
CDMediaCost	3	\$30.00
Photo Cost	0	\$0.00
Notary/Certification Fee		\$0.00
Postage		\$4.51

Itemized Listing:

Item	Request	Description	Time (Hrs)	Pages	CDs	Photos
6	Other Records	Disc Containing Number of Sexual Assault Kits Collected/Inventoried/Processed			1	
7	Other Records	Disc Containing Sexual Assault Kit Backlog			1	
8	Other Records	Disc Containing WRCL Sexual Assault Kit Dispositions			1	

RE: Wisconsin Open Records Act Request: Local level SAEC policies/data (Milwaukee)

51257-05701875@requests.muckrock.com

Tue 10/2/2018 4:01 AM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

October 2, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Wisconsin Open Records Act request, copied below, and originally submitted on March 16, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 51257-05701875@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/local-level-saec-policesdata-milwaukee-51257/?uuid-login=aea123b3-7de7-4043-a797-482730f865ce&email=mpdopenrecords%40milwaukee.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 51257
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On March 16, 2018:

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

Any and all statistics, data, reports, audits, policies, and procedures pertaining to the following items regarding sexual assault evidence collection (SAEC) kits (also known as "rape kits") and processing:

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- the number of unprocessed kits in any storage facilities currently under the department's jurisdiction and control, including those held by medical personnel or at external laboratory locations
- any materials regarding the status or ultimate disposition of cases in which a kit was collected. Please include all available segregable data.
- all audits involving this agency regarding the collection or backlog of SAEC kits
- all proposed alterations or yet-to-be-implemented changes to the policies and procedures regarding the collection, testing, and use of SAEC kits

If there any questions about this request, please feel free to call us at the MuckRock office at 617-299-1832.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I would request your response within ten (10) business days.

Sincerely,

Vanessa Nason

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RE: Wisconsin Open Records Act Request: Local level SAEC policies/data (Milwaukee)

51257-05701875@requests.muckrock.com

Fri 11/2/2018 4:01 AM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

November 2, 2018

This is a follow up to a previous request:

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On Oct. 18, 2018:
Hello,

Your request has been received. It will be reviewed in the order in which it was received as we have an 8-9 weeks turnaround time frame.

Thank you

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To Whom It May Concern:

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RE: Wisconsin Open Records Act Request: Local level SAEC policies/data (Milwaukee)

51257-05701875@requests.muckrock.com

Mon 11/19/2018 5:20 AM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

November 19, 2018

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RE: Wisconsin Open Records Act Request: Local level SAEC policies/data (Milwaukee)

51257-05701875@requests.muckrock.com

Tue 12/4/2018 4:01 AM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

December 4, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Wisconsin Open Records Act request, copied below, and originally submitted on March 16, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 51257-05701875@requests.muckrock.com

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Wed 12/19/2018 4:01 AM

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December 19, 2018

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DEC 19 2018

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Thu 1/3/2019 4:01 AM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

January 3, 2019

This is a follow up to a previous request:

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JAN 3 4 00 PM '19

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- all proposed alterations or yet-to-be-implemented changes to the policies and procedures regarding the collection, testing, and use of SAEC kits

If there any questions about this request, please feel free to call us at the MuckRock office at 617-299-1832.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I would request your response within ten (10) business days.

Sincerely,

Vanessa Nason

Filed via MuckRock.com

E-mail (Preferred): 51257-05701875@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/local-level-saec-policesdata-milwaukee-51257/?uuid-login=06105d8f-4015-4f15-96ae-26dd0e60ae9d&email=mpdopenrecords%40milwaukee.gov#agency-reply

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MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

112 - SEXUAL ASSAULT

GENERAL ORDER: 2017-54
ISSUED: October 20, 2017

EFFECTIVE: October 20, 2017

REVIEWED/APPROVED BY:
Assistant Chief William Jessup
DATE: September 21, 2017

ACTION: Amends General Order 2014-102 (July 31, 2014)

WILEAG STANDARD(S): 6.3.3

112.00 PURPOSE

The purpose of this standard operating procedure is to establish the department's policy, procedures and responsibilities when investigating complaints of sexual assault as described within Wis. Stat. § 940.225 and 948.

112.05 POLICY

Trauma from crime victimization may complicate a victim's participation in any investigation, including sexual assaults. This trauma may be so overwhelming that a victim cannot function well enough to assist in certain stages of the investigation. Officers and investigators play a significant role in both the victim's ability to cooperate with the investigation and to cope with the emotional and psychological effects of the crime. Therefore, it is essential that these cases be handled with a non-judgmental perspective so as not to communicate in any way that the victim is to blame for the crime. Greater victim support results in greater offender accountability.

112.10 SEXUAL ASSAULT INVESTIGATION PROCEDURE (WILEAG 6.3.3)

A. RESPONSE TO SEXUAL ASSAULT VICTIMS

1. All victims shall be treated with compassion, respect, empathy and patience while collecting required evidence and asking required questions.
2. A report of the criminal incident shall always be taken regardless of the length of time between the date of occurrence and the date the complaint is made.
3. Resistance by the victim of a sexual offense shall not be considered necessary in order to prove the validity of an offense. No comments shall be made regarding the victim's behavior as to providing the opportunity to be assaulted.
4. During the course of the investigation, the personal opinions of the investigator shall not be expressed to the victim whether a sexual assault occurred, nor should an opinion be documented in the subsequent police reports.

B. RESPONSIBILITIES OF INVESTIGATING MEMBER

1. Assess the victim's medical condition and summon medical attention. In cases of alleged strangulation the victim should be encouraged to seek medical attention for

an assessment.

2. Secure the crime scene (request additional resources as needed).
3. Conduct a minimal facts interview of the victim.
4. Notify the shift commander who will notify the Sensitive Crimes Division (SCD).
5. If SCD is responding maintain the scene, they will conduct a detailed interview of the victim. If SCD is not responding, continue with responsibilities of the investigating member to include a detailed victim interview.
6. The investigating member shall facilitate victim transportation to the sexual assault treatment center for treatment of possible pregnancy, disease, injury, and collection of evidence, as well as advocacy support services. The treatment centers most often used are Aurora Sinai and Froedtert Memorial. All child victims may be conveyed to the Children's Advocacy Center (619 West Walnut Street) Monday through Friday from 8:00am-4:00pm. After hours, they shall be conveyed to Children's Hospital of Wisconsin.
7. If a victim wishes to be seen by a private physician, it is important to stress that there are dedicated sexual assault programs that have expertise in handling sexual assault cases. However, care from a private physician is permitted if the victim insists.
8. The suspect shall be conveyed to a sexual assault treatment center for evidence collection when the assault has occurred within the past 120 hours. Great care and coordination with the facility shall be taken to ensure that the victim does not encounter the suspect while he/she is receiving medical treatment.
9. If the victim has emergent medical needs they may go to the nearest facility but they will still need to proceed to the SATC for evidence collection.

Note: Victim should be encouraged to remain in the clothing worn at the time of the assault and also not to cleanse themselves in any way. In keeping with sensitivity for the victim, when one expresses the need to eliminate urine, and a vaginal or anal assault has occurred or if an oral assault has occurred and the victim wishes to drink water, smoke, or if they are making a request to wash themselves, arrangements should be made to take the victim immediately to the Sexual Assault Treatment Center (SATC) to facilitate proper evidence collection procedures.

10. Investigating members shall notify the SCD when a felony sexual assault suspect is in custody. The SCD shall conduct the interrogation of the prisoner. The *Pedigree Form* (form PA-45A) shall be completed during the suspect interrogation and it shall be recorded using a room equipped with Taser Interview Room technology.

(WILEAG 6.3.3.3)

112.15 VICTIM NOTIFICATIONS

The victim should be provided with the following:

1. The *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of the initial contact;
2. VINE/VINE Link informational sheets/pamphlets that advise victims on how to register for the offender custody status notification service;
3. Form PR-3 - *Referral Memo* advising the victim of location, time, and date to appear at the district attorney's office.

112.20 INVESTIGATIVE REPORTS REQUIRED (WILEAG 6.3.3)

A. ALL CASES OF SEXUAL ASSAULT SHALL BE DOCUMENTED

1. The investigating member shall complete or obtain the following reports:
 - a. Original report in the Automated Reporting System (ARS).
 - b. Supplemental reports detailing the investigation, including the *Domestic Violence Supplement Incident Report* (form PO-15D) if the sexual assault is domestic violence related.
 - c. Arrest Report (form PA-45) when applicable.
 - d. Probable cause statement (CR-215) when applicable.
 - e. Evidence inventories when applicable.
 - f. Teletype shall be completed for suspects.
 - g. DA sheets when applicable and include in the DA charging packet:
 1. Computer Aided Dispatch (CAD) printouts.
 2. Evidence photos.
 3. Other work product such as photo arrays, 911 recording, interrogations, and body worn camera video.
2. The required reports shall include the following:
 - a. The origin of the call.

- b. Detailed statements of victim and witnesses.
- c. Demeanor and observations of the victim, including trauma reactions.
- d. Description of the incident and detail of the investigation (observations of scene, results of canvass, video, photo array, identification of suspect).
- e. Indicate whether or not photos were taken. If so, by whom, how many, date, and location.
- f. Indicate all personnel at scene.
- g. Document supervisory notification.
- h. Document whether the victim was treated at a hospital.
- i. Describe all evidence collected.
- j. Document if evidence was sent to the Wisconsin Regional Crime Lab.
- k. Document the result of the police investigation.
(WILEAG 6.3.3.4)

112.25 PROSECUTION

The victim shall be referred to the District Attorney (DA) Sensitive Crimes Unit for review for criminal prosecution in accordance with SOP 150.05 (Court Procedures).

Note: If probable cause exists, the suspect shall be summarily arrested even if victim declines to prosecute.

1. The investigating member shall present the case for review at the DA's office.
2. The investigating member shall be responsible for follow up requested by the reviewing ADA and shall notify the shift commander.
3. The results of the charging conference shall be documented in a supplemental report.

Note: If the victim and suspect are both to be ordered to appear for a charging conference, order in times shall be staggered to prevent victim and suspect contact. The victim order in time shall be at least thirty minutes prior to the suspect order in time.



EDWARD A. FLYNN
CHIEF OF POLICE



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING INSTRUCTION

SEXUAL ASSAULT INVESTIGATIONS

ISSUED: October 20, 2017

EFFECTIVE: October 20, 2017

REVIEWED/APPROVED BY:
Assistant Chief William Jessup
DATE: September 21, 2017

ACTION: Creates SOI

WILEAG STANDARD(S): NONE

I. PURPOSE

The following instructions are based on national best practices regarding sexual assault investigations. The goal of these instructions is to support law enforcement in preparing sexual assault cases for successful prosecution through detailed case documentation and thorough investigations.

II. MILWAUKEE COUNTY SEXUAL ASSAULT RESPONSE TEAM (SART)

The Milwaukee Police Department is a member of the Milwaukee County Sexual Assault Response Team (SART). This team is made up of agencies in Milwaukee County who serve sexual assault victims. SART has a protocol which formalizes interagency guidelines that prioritize victim's needs, holds offenders accountable, and promotes public safety.

III. VICTIM INTERVIEW

- A. Due to the particularly intimate and intrusive nature of sexual assault, the interview process may be difficult for the victim and the officer/detective. It is important to recognize the significance of the victim's initial contact with the first responders and investigators and how it impacts their trust in the criminal justice system. The treatment the victim receives may impact their decision to move ahead with the case.
- B. The victim's immediate priorities should be respected. Their health and safety concerns should be addressed, as well as any questions they have prior to beginning the interview.
- C. Victims may know very little about the investigative process and criminal justice system. It is important that all steps of the process are explained. This creates transparency and trust with the victim while helping to rebuild their sense of control.
- D. Victims have a right to accept or decline some/all services. A thorough investigation will still be conducted.
- E. It is essential that victims are assured by law enforcement that they will not be judged and the information they provide is taken seriously. Victims often blame themselves and must also be assured that regardless of their behavior, no one has the right to sexually assault them.
- F. In the state of Wisconsin, sexual assault victims have the right to have an advocate present with them during any part of the criminal justice process. This includes during the

medical exam and police interview.

IV. REPORT WRITING

- A. A high level of detail in a sexual assault report will help move a case towards successful prosecution. A thorough report will identify on scene evidence and document details from the victim's and suspect's account of the incident.
- B. Ask the victim to describe the assault, listing as many details and feelings as possible. Document the elements of the crime by asking the victim to tell you what they thought, felt and feared at the time of the assault. What did the victim experience before during and after the assault and what did they see, smell taste, hear or touch during the incident.
- C. Fully document fear by recording all flight, fight, or freeze reactions the victim exhibited. For example, the victim may describe the feeling of being unable to move.
- D. Silence is not consent. "No" or resistance is communicated through more than just words. Detail and corroborate what "no" looked or felt like for the victim in the report (e.g., looking away, moving or positioning their body, closing their eyes).
- E. If a consensual encounter turned non-consensual, have the victim describe how the suspect's behavior changed. If threats were made, be specific and list the specific threats, the tone of voice used, and gestures.
- F. A timeline is helpful to show trauma/post assault behavior of the victim compared to behavior before the assault. For example, document physical changes such as weight loss, change of residences, sleeping with the lights on, change in work performance.
- G. Document all information provided by the victim, even if it does not cast them in a positive light. A victim who may be judged as an unreliable witness may have been chosen by the suspect for that reason.
- H. If a victim was incapacitated voluntarily by alcohol or drugs, show why this is an issue of increased vulnerability rather than culpability.
- I. Use the victim's words and do not try to sanitize or clean up what they say; this may be used against the victim or officer in court.
- J. Every effort must be made to exclude the opinions of the investigator in the written report and avoid asking leading questions. This can compromise the integrity of the investigation as well as the victim and investigator. It is normal for a victim to not remember complete details; do not fill in the blanks for them.

V. SUSPECT INTERROGATION

While investigative emphasis has historically focused on the victim's behavior, the reality of sexual assault investigations is that the suspect is often known to the victim and thus can be easily identified. Therefore, the investigation should concentrate on gathering as much evidence as possible on the suspect, not the victim's character, behavior or credibility.

VI. INVESTIGATION

- A. Strong sexual assault investigations are supported by physical evidence and do not rely solely on the victim or the perceived credibility of the victim. The overall intent of any investigation is to be fair, balanced, and thorough. This requires that investigators gather all physical and testimonial evidence.
- B. Investigators will build trust by partnering with the victim, showing respect, and remaining non-judgmental. This victim centered approach will aid the interview process and allow for as much evidence to be gathered as possible. In most cases, the suspect is familiar to the victim so the victim may be able to provide corroborating details and evidence.
- C. Due to the nature of trauma, it is typical for a victim to not remember all of the details of a sexual assault. Using methods such as thinking out loud with the victim may assist in jogging additional memories that can aid in the investigation.
- D. It is important to identify a suspect's conduct prior to an assault. These actions may be indicative of premeditation used to select, test, and isolate a victim. In addition, there is a co-occurring nature of violence against women crimes and sexual assault may occur in the context of domestic violence, human trafficking, etc.
- E. Sexual assault cases are often portrayed as "he said/she said" when in actuality they are often "he said/they said". Sexual assault perpetrators frequently have a history of acts of sexual violence. Investigation may lead to previously unreported offenses in the suspect's social circles, as well as with current and former partners.
- F. Witness statements are very important in sexual assault cases, as victims will often confide in someone regarding the assault. Statements from these witnesses can provide powerful corroboration.

VII. VULNERABLE POPULATIONS

Predators prey upon the vulnerabilities of others; therefore, victimization is higher among certain populations. When investigating a sexual assault, be aware of the particular issues that may face a certain population (e.g., age, culture, disabilities, gender, language) and how this may affect the way a victim makes decisions and responds to law enforcement.

Examples of vulnerable populations are:

- Senior citizens
- Minors
- Lesbian, gay, bisexual or transgender individuals
- Individuals who have previously been sexually assaulted
- Individuals with limited English proficiency
- Individuals with substance addictions
- Individuals with disabilities
- Individuals who are involved in commercial sex work
- Immigrants, both documented and undocumented

VIII. STANDARDIZED CASE CODING

A. There are three primary methods to clear a case for UCR purposes:

1. Clearance by arrest.
2. Exceptional clearance.
3. Unfounded.

B. CLEARANCE BY ARREST

Clearance by arrest requires that someone be arrested for a crime and charged with the commission of the crime and turned over to the court for prosecution. Simply putting a warrant out for a suspect does not constitute clearance by arrest. There are two exceptions to this:

1. If a juvenile is not physically arrested, but ordered into juvenile court or;
2. When a suspect agrees to surrender or appear at court at a certain date and time. This agreement has to be reached between the prosecutor, defense and suspect and is documented in writing.

C. EXCEPTIONAL CLEARANCE

Exceptional clearance occurs when elements beyond law enforcement control precludes issuing formal charges against an offender. This requires that the offender is identified and there is enough evidence to support an arrest and the offender location is known and there is a reason outside of law enforcement control that precludes the arresting, charging and prosecution of a suspect (this could be the death of the offender, the victim's refusal (inability) to cooperate after the offender has been identified, or the offenders arrest and prosecution for another crime in another jurisdiction). A case can only be cleared as exceptional if there is sufficient evidence to support probable cause. A case will not be cleared as exceptional simply because the victim fails to cooperate.

D. UNFOUNDED REPORTS

Unfounded reports are made up of both false and baseless reports. The decision to make a report unfounded can only be done by law enforcement and not by the prosecutor, court or jury. The refusal (or inability) of a victim to cooperate with police does not unfound an incident. Unfounded is synonymous with the word "unsubstantiated".

E. FALSE OFFENSES

False offenses are those that can be cleared when evidence shows that a crime was not committed or attempted; they are factually proven to have never occurred or been attempted. Evidence that the assault did not happen may be physical evidence or statements from credible witnesses that contradict key aspects of a victim's account. Reports are properly determined to be false if the evidence from the investigations

established the crime was not completed or attempted. Therefore, the complaint must be completely investigated prior to making a case false. This includes waiting for the return of DNA evidence. A false report does not include an incident in which the investigation was unable to corroborate or substantiate a crime. Law enforcement cannot label cases as false based on the reactions of the victim, but only as a result of investigative facts.

F. BASELESS OFFENSES

Baseless offenses include those that do not meet the elements of the crime or were improperly coded as a sexual assault in the first place. Individuals may report a sexual assault that was unwanted, but does not meet the elements of a sexual assault offense.



WILLIAM R. JESSUP
ASSISTANT CHIEF OF POLICE
INVESTIGATIONS AND INTELLIGENCE BUREAU

WRJ:amo



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

560 – PROPERTY

GENERAL ORDER: 2017-58
ISSUED: November 10, 2017

EFFECTIVE: November 10, 2017

REVIEW/APPROVED BY:
Assistant Chief James Harpole
DATE: October 25, 2017

ACTION: Amends General Order 2017-51 (September 28, 2017)

WILEAG STANDARD(S): 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.1.8, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.5, 11.2.6

560.00 PURPOSE

The purpose of this standard operating procedure is to provide members with instructions on the proper handling, storage, control, and disposition of all items lawfully seized and placed on inventory by the Milwaukee Police Department.

560.05 PROPERTY CONTROL (WILEAG 11.1.1, 11.2.3)

The Property Control warehouse is located at 2620 W. Wisconsin Ave. and shall be accessible to the public, Monday through Friday from 7:00 a.m. – 6:00 p.m. The Property Control warehouse shall be accessible for normal department business Sunday through Saturday from 6:00 a.m. – 7:00 p.m. Department members requiring access to Property Control services outside of 6:00 a.m. – 7:00 p.m., Sunday through Saturday, shall send an email to propertycontrol@milwaukee.gov or leave a voice mail at extension 7546. Property Control Division (PCD) personnel will respond the next day. If exigent circumstances exist (e.g., large drug/firearm seizure), the shift commander shall notify the Technical Communications Division. A TCD supervisor shall make notification to a PCD supervisor who will respond outside normal business hours. Inventoried property shall be stored in each work location's designated property room until members assigned to the Property Control Division pick up property as part of the daily property pick-up (property inventoried at the Specialized Patrol Division shall be picked up twice per week or at the request of the Specialized Patrol Division shift commander).

560.10 PROPERTY CLASSIFICATIONS (WILEAG 11.2.1)

A. EVIDENCE

1. Any item that may assist in establishing that a crime occurred, in the identification of a suspect, and/or the prosecution of an alleged suspect.
2. Items inventoried as evidence shall have an IR number, homicide number, citation number, court case number, or a *Department Memorandum* (form PM-9E) attached. (WILEAG 11.2.1.3, 11.2.1.4)

B. CONTRABAND

1. Any item, object, liquid or substance, that is unlawful to possess, such as fireworks, illegal narcotics, child pornography, sawed-off shotgun, counterfeit money etc. and is

not required as evidence.

2. Property that is not unlawful to possess (e.g., money) cannot be confiscated as contraband.

C. SAFEKEEPING

Any item that was taken for protection from loss, theft, misuse, damage or due to the owner's incapacity and there was no other means to safeguard the property. Department members shall make every effort to locate the owner of safekeeping property and return the property to them in a reasonable time.

(WILEAG 11.2.1.6)

560.15 MEMBER'S RESPONSIBILITIES (WILEAG 11.1.2, 11.1.5, 11.2.1, 11.2.2, 11.2.4)

- A. Department members shall retain and safeguard all property coming into the possession of the department in accordance with this standard operating procedure.
- B. All property coming into the possession of any member of the department, including property temporarily retained by officers assigned to PAB municipal court security for persons entering the Police Administration Building, and here otherwise noted in this procedure, shall be immediately inventoried through WinAce.
 1. Each item of value shall be itemized.
 2. Members shall include the circumstances in which the property came into the department's possession and if applicable, the incident report number, citation number, or court case number on the WinAce-Officer Drop inventory.
 3. This task shall be done prior to securing from duty.
 4. All inventoried property shall be received by the Property Control Division within 72 hours, unless it meets the criteria as specified per SOP 560.35, 560.95, 560.105 or 560.110. Any property placed on inventory and not accounted for by the Property Control Division as specified in 560.15(B)(1) shall require the inventorying member to submit a *Department Memorandum* (form PM-9E) to his/her commanding officer explaining the status of the inventoried property.
(WILEAG 11.2.1.1, 11.2.1.2, 11.2.1.3)
- C. The WinAce-Officer Drop inventory shall be generated by entering the inventoried property into the "Ace-Officer Drop" system. Once the WinAce-Officer Drop submission has been completed, it shall be reviewed for accuracy and approved by a supervisor. After supervisory approval, two copies of the WinAce-Officer Drop inventory will automatically be generated. A copy of the "Case Disposition" form (formerly the mint green copy) will also be generated, if the property is evidence.
 1. The "Case Disposition" form shall be completed for all charging sessions involving inventoried property by the department member presenting the case.

2. The completed "Case Disposition" form shall be forwarded or faxed (extension 7069) to the Property Control Division within 24 hours of the final charging session.
- D. In the event of a WinAce-Officer Drop computer problem, work locations are permitted to inventory property on the paper PP-32 version. However, the shift commander shall notify Property Control by phone during business hours or by sending an email to propertycontrol@milwaukee.gov during non-business hours when the paper inventory form is utilized. The reserve paper PP-32's shall be stored in each work locations property locker.
- E. Sworn supervisors assigned to the respective work locations, members with the rank of inspector of police or above, and sworn members assigned to the Internal Affairs Division – Risk Management shall have access to a work location's secure property room locker.
- F. Upon completion and approval of the WinAce-Officer Drop inventory, the member shall be allowed access to place the inventoried property in the secure designated property room under the supervision of a work location supervisor. Members assigned to the Property Control Division who are picking up property as part of the daily property pick-up shall be granted access and gain control of the property in the presence of the work location supervisor.
- G. Each work location shall assign a supervisor to coordinate with the supervisors at the Property Control Division on property evidence and inventory issues (e.g., missing, pending).
- H. When a prisoner's property cannot be immediately transferred to the location of their confinement (e.g., the prisoner goes to the hospital), that property shall be placed on a WinAce-Officer Drop inventory and processed accordingly.
- I. Seizure of property is limited to contraband, instrumentalities of a crime, fruits of a crime, or evidence of a crime. Unless there is reasonable suspicion to the contrary, police members shall not confiscate property merely because the possessor cannot provide proof of ownership.
 1. Per Wis. Stat. § 968.18 any member seizing property without a search warrant shall issue a properly completed *Property Receipt* (form PP-33), as soon as practicable to the person from whom the property was taken. The original PP-33 shall be attached to the original WinAce-Officer Drop inventory.
 2. If the officer determines that the individual from whom the property was recovered is not the rightful owner, then the rightful owner shall be listed. If the rightful owner is unknown, then the claimant shall be listed as "unknown".
 3. If the rightful owner is known and can legally possess the seized item, that individual shall be listed as the claimant.
 4. Multiple claimants shall not be listed on the same inventory unless they are both entitled to the mutually owned property (e.g., husband/wife). Otherwise, each

claimant's property shall be listed on a separate inventory.

J. Personal property, including money, is subject to seizure and forfeiture under Wis. Stat. § 973.075, or if a crime under the Uniform Controlled Substances Act under Wis. Stat. § 961.55/06. Personal property may be seized under these statutes for circumstances where the seizure is incident to a lawful arrest; pursuant to a search warrant; or if an officer has probable cause to believe the property is either directly or indirectly derived from the commission of a crime.

1. Any investigating member, except HIDTA personnel, must first obtain a supervisor's authorization prior to seizing money or a cell phone regarding any type of illegal narcotic related offense that does not meet the criteria as established in SOP 765 Asset Forfeiture. The supervisor authorizing the seizure of the property must be listed in the circumstances field of the property inventory.
(WILEAG 11.1.6.1)

a. This section does not apply to "buy money" or if the seized items meet the requirements as outlined in SOP 765 Asset Forfeiture.

Note: Department SOP 765 on Asset Forfeiture provides additional details on seizing money, cell phones and other property.
(WILEAG 11.2.1.5)

K. Any inventoried item(s) that need to be analyzed by the High Technology Unit, the Fusion Division, the Forensics Division, or placed in the drying room to be examined prior to being received by Property Control shall be placed on a separate inventory and documented on the WinAce-Officer Drop inventory (except the Homicide Division).
(WILEAG 11.1.8.4, 11.2.1.5)

1. The electronic inventory copy shall be stamped "copy" and remain at the member's work location. The inventory copy will be retrieved by Property Control during the morning property pick-ups.
2. The electronic inventory original shall be stamped "original" and shall accompany the property.
3. Both the original and copy shall be stamped indicating the date, time and person who conveyed the item(s) to the analyzed location. All subsequent property transfers shall be documented on the original inventory using the property transfer stamp until the item(s) is received by Property Control.
(WILEAG 11.1.6.1, 11.1.6.2)

L. The following item(s) shall be placed on a separate inventory and not combined with other property:

1. Different claimants as outlined in (560.15)(I));
2. Spent shell casings;
3. Narcotics (different types of narcotics recovered from the same individual can go

- on the same inventory);
4. Fireworks;
 5. Money;
 6. Bicycles (multiple safekeeping bicycles with unknown claimant(s) can go on the same inventory);
 7. Verified stolen property;
 8. Any property to be analyzed prior to being received by Property Control as outlined in (560.15 (K)).
- M. Any property transferred to another location prior to being received by Property Control shall be documented on the WinAce-Officer Drop inventory (see SOP 560.35). (WILEAG 11.1.8.4)
- N. All packaged evidence must be properly secured by heat sealing or red evidence tape. (WILEAG 11.2.1.4)
- O. Department members must mark their initials on the edge of the red evidence tape with an indelible pen in a manner that will show evidence of tampering. The inscription of initials should be placed in a manner where half of the inscription is on the red evidence tape, while the other half is on the evidence packaging. If evidence is heat sealed, department members shall place their initials across the heat seal with an indelible pen, in a manner that will show evidence of tampering. Information such as inventory number / item number should be written on the packaging itself. (WILEAG 11.2.1.4)
- P. All DNA biological evidence envelopes (MPD form PE-34) must be secured on both ends with red evidence tape. Per the Wisconsin State Crime Lab, these envelopes should not be sealed inside any other envelope or bag. (WILEAG 11.1.5.1, 11.1.5.2)
- Q. Whenever any type of dry powder like illegal substance is inventoried, especially those that are believed to contain cocaine or heroin, the substances must be secured in a paper fold and a clear zip-lock bag. The items shall then be sealed inside the appropriate narcotics envelope.
1. Any substance that either contains or may contain fentanyl or any fentanyl derivative shall not be tested or removed from its original container. It shall simply be sealed in a zip-lock bag and then secured in the appropriate narcotics envelope. On the envelope itself under drug type, in red ink write, Suspected Fentanyl. If the substance needs to be analyzed, a letter of transmittal shall be completed in order for the substance to be tested by the State Crime Lab.
 2. If packaging a moist narcotic substance, secure the item in a paper fold and an appropriate sized paper bag and seal the items inside the appropriate narcotics envelope.
- R. Any inventoried item that is not evidence shall not be sealed with red evidence tape. Those items can be labeled with a tag or placed in an appropriate container and sealed by alternate means (e.g., zip locking, stapling, heat sealing).

- S. Members shall run the serial number in the National Crime Information Center (NCIC) database for all inventoried items with visible serial numbers. Members shall attach a copy of the NCIC check to the WinAce-Officer Drop inventory.

560.20 ROUTING OF PROPERTY INVENTORY REPORT (WILEAG 11.1.2, 11.2.4, 11.2.6)

A. ELECTRONICALLY GENERATED WINACE-OFFICER DROP PROPERTY INVENTORY REPORT

1. The copies of the WinAce-Officer Drop inventory are electronically generated and disbursed to Property Control by the work location whenever an inventory is completed using the WinAce inventory system.
2. The "Case Disposition" form of the WinAce-Officer Drop inventory shall accompany other related paperwork in all state cases involving a summary arrest, an arrest warrant request or order-in. The department member shall properly complete the form and forward the form via fax or interdepartmental mail to Property Control.

B. HANDWRITTEN PROPERTY INVENTORY REPORT (PP-32)

1. The white and pink copies of the *Property Inventory Report* (form PP-32) shall be forwarded to Property Control by the disbursing work location and the yellow copy shall be retained by the work location as the permanent record.
2. The mint green copy of the PP-32 shall accompany other related paperwork for state cases involving a summary arrest, an arrest warrant request or an order-in. Department members shall properly complete the form and return the form to Property Control. If there is no review, the mint green copy shall remain attached to the white and pink copies.
3. *Property Inventory Supplements* (form PP-32S) shall be attached to the original PP-32.
4. At no time shall a PP-32 be destroyed. If an error is made in the preparation of a PP-32, all four copies of the report shall be marked "VOID." The white and pink copies of the voided PP-32 shall be initialed by the work location's commanding officer/designee and disbursed to Property Control. The yellow and green copies shall be filed at the originating work location.
5. The only members who shall have access to remove property from another work location's secure property room locker are members with the rank of inspector of police or above, sworn members assigned to the Internal Affairs Division – Risk Management, members of Property Control who are picking up property as part of the daily property pick-up (in the presence of a work location supervisor), and sworn members of the Forensics Division (who only have access to the forensics room).

C. AUDITS

1. Property Control shall conduct a monthly audit of all paper PP-32 forms disbursed to work locations. A copy of this report listing inventories either missing or unaccounted for shall be sent to the respective work location commanders.
2. Within fifteen days of receiving the monthly audit, district and division commanders shall report in writing, the circumstances causing the PP-32 forms to be unaccounted for or missing. This report shall be submitted to their respective assistant chief.
(WILEAG 11.2.6.1)
3. The Property Control manager shall conduct quarterly inspections to assess the department compliance with property and evidence control procedures.
(WILEAG 11.2.6.1)
4. An audit of Property Control shall be conducted whenever the Property Control manager is replaced due to retirement or separation from the department. The audit shall be conducted jointly by the new Property Control manager and a representative of the Chief of Police, or designee.
(WILEAG 11.2.6.4)
5. An annual audit of Property Control shall be conducted by the Internal Affairs Division – Risk Management.
(WILEAG 11.2.6.2)
6. Random unannounced inspections and/or audits of Property Control shall be conducted at the discretion of the Chief of Police, or designee, at least once annually.
(WILEAG 11.2.6.3)

560.25 PROPERTY DISBURSEMENTS (WILEAG 11.2.5)

- A. Property paper disbursements (form PP-24) shall be made to the Property Control who shall pick up these disbursements on weekdays from each district station. All disbursements shall be ready, Monday through Friday for pick-up by 7:00 a.m. If property will be picked up on weekends, holidays, or earlier than 7:00 a.m., Property Control shall telephone the districts to make special arrangements. This section shall only apply if the paper inventory is used.
- B. Property Control shall each day (Monday – Friday) generate an electronic property disbursement form from the WinAce database for every work location that property will be picked up on that day.
- C. Prior to the arrival of Property Control personnel, each district shall prepare the WinAce-Officer Drop submissions for pick-up as follows:
 1. The original WinAce-Officer Drop inventory along with the inventoried property and any other original reports if applicable, such as a *Firearm's Report* (form PF-11) or

property receipt, etc.

2. A stamped original WinAce-Officer Drop inventory listing property turned over to another location for analysis during the previous 24-hour period, following the previous daily disbursement.
 3. If property is released to an owner/claimant, a copy of the WinAce-Officer Drop inventory listing the property that has been returned to the owner/claimant, a *Property Receipt* (form PP-33) signed by the person (owner) receiving the property, a photocopy of the citizen's identification card, and a PO-5, if required, shall be faxed to Property Control.
 4. All original paperwork concerning property given back to the owner/claimant shall be immediately forwarded to Property Control.
- D. Property Control shall verify each disbursement with a representative from the work location. Once verified, both the Property Control officer and the work location representative shall sign the property disbursement sheet. Any discrepancies shall be noted and the property will remain at the work location until corrected. A copy of the disbursement shall be given to the work location and the original shall be retained by Property Control.

560.30 PROPERTY REQUIRED FOR COURT (WILEAG 11.1.2, 11.1.8, 11.2.1)

A. REQUESTING/OBTAINING PROPERTY FOR COURT

1. An *Order for Property* (form PO-5) is required for the transfer of evidence required for presentation in court. The court case number shall be listed on the PO-5. (WILEAG 11.2.1.7)
2. A commanding officer/designee or Property Control supervisor may authorize the release of property to a department member for court presentations.
3. Prior to making a request for evidence held at Property Control, members with a court subpoena shall confirm with the assistant DA or city attorney that the case will be heard and the evidence is required. If the evidence is required, the member shall notify Property Control by calling extension 7547.
4. Available officers/detectives shall in a timely manner after receiving notification that property is required for court, respond to Property Control to pick up the requested property.
5. Property signed out for court presentation, but not entered as an exhibit or evidence shall be returned to Property Control the same day, even if the property is needed the next day for court. Members shall not store property signed out for court in their work location's property storage room or any other unapproved storage location.
6. Any member that signs property out of Property Control is ultimately responsible for the return or disposition of the property. If property is turned over to another

person, the receiving person must sign for the items on the *Property Withdrawal Receipt*. The signed *Property Withdrawal Receipt* shall be returned to Property Control by the member who originally signed for the property. The custody/responsibility for the property will then be transferred to the newly responsible individual.

(WILEAG 11.1.8.4, 11.2.1.7)

7. Any property signed out for court that is not retained by the court, and not returned to Property Control within 5 days shall require the responsible member to submit a *Department Memorandum* (form PM-9E) to their commanding officer detailing the status of the signed out property.

B. RETENTION OF PROPERTY BY THE COURTS

1. Wisconsin Supreme Court Rule 92.07(46) mandates that upon the completion of a trial, all criminal case exhibits shall be retained in the custody of the court. The Clerk of Circuit Court is responsible for taking custody and retaining these exhibits during, and after the trial, regardless of the outcome of the case. The court may not order an exhibit withdrawn for the sole purpose of returning it to our department for storage.
2. When the court retains inventoried items, the *Property Withdrawal Receipt* shall be initialed and signed by the court clerk or bailiff. The person accepting these items on behalf of the court shall initial next to each item of property retained on the right hand margin of the *Property Withdrawal Receipt*. This receipt shall also contain the legible name and title of the person accepting the evidence for the court, and the court branch or room number. The signed *Property Withdrawal Receipt* shall be returned to Property Control within 48 hours.
3. No receipt is required for items retained by the court that are not on a WinAce-Officer Drop inventory. These items include, but are not limited to, photo enlargements, report enlargements and crime scene diagrams.
4. If the court declines or refuses to accept custody of an exhibit, the department member shall take custody of the property and shall immediately return it to Property Control, who shall issue a receipt to the member returning the item(s).
5. In the event a receipt cannot be obtained for evidence retained by the court, or the court refuses to sign for the property, the member responsible for the property shall immediately notify a Property Control supervisor of the circumstances surrounding the refusal, as well as the name and title of the person refusing such receipt. This may include the presiding judge.
(WILEAG 11.2.1.7)

560.35 SUBMISSION OF EVIDENCE TO FORENSICS, HIGH TECHNOLOGY, NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK LAB OR DRYING ROOM (WILEAG 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.2.4)

- A. Inventoried property that is transferred to the Forensics Division, High Technology Unit, National Integrated Ballistic Information Network Lab, or the drying room prior to being

received by Property Control shall be handled in the following manner:

1. Any department member transferring property to the Forensics Division, High Technology Unit, National Integrated Ballistic Information Network Lab, or drying room shall stamp the original completed electronic WinAce-Officer Drop inventory with the transfer stamp.
 2. The original paperwork will accompany the evidence. The stamped copy shall remain at the work location in the designated property room.
 3. The member receiving the evidence at either the Forensics Division, High Technology Unit, or National Integrated Ballistic Information Network Lab shall complete the stamped paperwork and retain the original paperwork. A copy of the stamped/received paperwork shall be provided to the submitting officer.
 - a. Supervisors assigned to the High Technology Unit (HTU) may authorize the transfer of evidence to HIDTA or the district attorney's office forensic labs for forensic examination.
 - b. If the responsible member receives authorization from a HTU supervisor to transfer evidence to HIDTA or the district attorney's office forensic lab, the member shall present a PO-5 signed by an HTU supervisor to retrieve the evidence from PCD.
 - c. PCD shall document in WinAce the transfer of property to HIDTA or the district attorney's office forensic lab.
 - d. The responsible member shall transport the property evidence to HIDTA and/or the district attorney's office and shall return the evidence to PCD upon completion of the forensic examination.
 4. The department member from the receiving unit (with the exception of HIDTA and the district attorney's office) shall enter the received property into Property Control's SharePoint property log website.
 5. The analyzing/responsible member (with the exception of HIDTA and the district attorney's office) shall enter their information into Property Control's SharePoint property log website.
- B. The Forensics Division, High Technology Unit, or National Integrated Ballistic Information Network Lab shall process the evidence and upon completion, shall store the evidence in their secure property room locker.
- C. Items placed in the drying room require a completed and stamped WinAce-Officer Drop inventory. The original WinAce-Officer Drop inventory shall remain in the drying room. A stamped copy of the WinAce-Officer Drop inventory shall remain in the member's work location property room, noting the date, time and person placing property in the drying room.

Whenever an item is placed in the drying room, the member placing the item into the drying room shall notify a member from the South Investigations Division, who shall enter the property into Property Control's SharePoint property log website.

- D. When the property is no longer required to remain in the drying room, the property shall be packaged and stored in IIB's property storage room along with the original stamped inventory.
(WILEAG 11.1.6.1, 11.1.6.2)

560.40 DNA / BIOLOGICAL MATERIAL (WILEAG 11.1.2, 11.2.1, 11.1.5)

- A. Any hair, tissue, or bodily fluid of evidentiary value shall be considered biological material (DNA) evidence. It shall be the responsibility of the member completing the WinAce-Officer Drop inventory to flag items of evidence taken with the specific intent for DNA analysis, or those containing obvious/apparent biological material.
(WILEAG 11.1.5.1)
- B. An item taken for DNA analysis that does not require refrigeration or contain obvious/apparent biological material shall be packaged and sealed separately in paper bags or envelopes. Plastic shall not be used.
(WILEAG 11.1.5.2)
- C. Multiple, individually packaged and sealed evidence items may be placed together in a large container as long as the large container is not sealed as evidence. Property Control must be able to open the large container to access the individually sealed items.
(WILEAG 11.1.5.2)
- D. Firearms inventoried with the intent of being tested for DNA must be sent to the Forensics Division and protected from cross contamination by being placed inside an appropriately sized paper bag or box.
- E. If the substance is believed to be poisoned or to have become poisonous because of improper storage or care, it shall be inventoried in its original container. Property Control shall be immediately notified of these conditions in order to take the necessary precautions.
(WILEAG 11.2.1.5)

560.45 REQUESTS FOR LABORATORY ANALYSIS (WILEAG 11.1.2, 11.1.5, 11.1.7, 11.1.8)

- A. Members that have recovered evidence that requires analysis by the Wisconsin Regional Crime Lab shall send an email to mpdevidence@milwaukee.gov. Members shall include the following information in the email:
1. Requesting member's name.
 2. Incident report number.
 3. Victim and suspect name and date of birth for both victim and suspect.

4. WinAce-Officer Drop inventory number.
 5. Item number to be tested and description of evidence.
 6. Objective of the analysis (e.g., "baseball cap dropped by the suspect at the scene of a robbery. Request that cap be tested for the presence of DNA."
- B. Members shall obtain a copy of the crime lab pre-authorization for DNA analysis from the district attorney's office for all Felon in Possession of a Firearm and drug-related offenses. A copy of the crime lab authorization shall be attached to the email request for a letter of transmittal.
- C. The Forensics Division shall record the request in the Evidence Management Database and generate a letter of transmittal. The letter of transmittal shall include the name and contact information of the member submitting the evidence. The member shall request in the letter of transmittal that the Wisconsin Regional Crime Lab submit lab results in writing.
(WILEAG 11.1.8.1, 11.1.8.3, 11.1.8.5)
- D. The Forensics Division shall forward the request to Property Control who shall convey the item(s) to the Wisconsin State Crime Lab. Items submitted to the Wisconsin Regional Crime Lab for analysis shall be properly sealed, excluding firearms. Firearms shall be unloaded and have a locking metal wire MPD seal and a paper tag affixed in accordance with SOP 560.90. If a firearm is swabbed for DNA, the DNA shall be sealed in a DNA swab envelope.
(WILEAG 11.1.5.3, 11.1.8.2)
- E. After the Wisconsin State Crime Lab has completed their analysis, Property Control shall convey the property back to Property Control for storage. Only a Property Control courier shall retrieve property from the Wisconsin Regional Crime Lab after the lab has accepted it; unless authorized by a Property Control supervisor.
(WILEAG 11.1.8.4)
- F. Property Control shall forward the crime lab report to the Forensics Division for cataloging.
(WILEAG 11.1.8.3)
- G. COMPLETION OF LABORATORY ANALYSIS
1. Upon receiving the crime lab report, the Forensics Division shall send an email to both the investigating member and his/her shift commander. The email will include a link that will provide a summary of the laboratory analysis and suggestions for possible follow up.
 2. Investigating members shall follow up on the crime lab report in a timely manner, and shift commanders shall ensure the follow up is completed by the investigating member.
 3. The investigating member shall file a supplemental report in the Automated

Reporting System (ARS) detailing the follow up completed and shall advise their shift commander of the follow up completed.

4. The shift commander, or designee, shall provide a short summary in the Evidence Management Database detailing the follow up completed and providing a disposition for the property that was analyzed.
- H. When inventoried items are transported to a laboratory for analysis, a completed *Order for Property* (form PO-5) is required for the release of the item(s). The member transporting the evidence or contraband shall obtain a signed receipt from the laboratory receiving the evidence and return the receipt immediately to Property Control.
- I. Evidence or contraband sent to an outside laboratory for analysis shall be authorized by the Chief of Police or designee. The HIDTA commanding officer may authorize the examination of evidence regarding felony narcotics investigations.

560.50 DISPOSITION ORDERS (WILEAG 11.2.1)

- A. On a regular basis, Property Control will disseminate a *Disposition Order* (form PP-39) for property that a department member has placed on inventory. Members shall return the completed form to his/her shift commander within fourteen (14) days after receiving it. The commanding officer/designee is responsible for returning the completed *Disposition Order(s)* to the Property Control supervisor within four (4) weeks from the date sent.
- B. Commanding officers or designee are responsible for approving all *Disposition Orders* for members under their command.
- C. No supervisor shall sign off on the supervisor approval line on their own disposition order.
- D. When evaluating the need to retain evidence, members shall check Circuit Court Automation Program (CCAP), the Municipal Court Case Information System, Tiburon or Case Track. These sources shall be referred to for all suspects and defendants, not victims. The status of the case shall be documented on the front of the *Disposition Order*, or attached to the *Disposition Order*.

If property is to be disposed of or returned due to the case being no-processed, suspect determined to not be involved in the crime, investigation determined no crime was committed, etc., then that information must also be documented on the front of the *Disposition Order*. Wis. Stat. § 939.74 states that the statute of limitations for a felony is 6 years after the commission of a crime and for a misdemeanor it is 3 years.
(WILEAG 11.2.1.3)

- E. In those cases where property can be disposed of or released, the member who inventoried the property shall utilize the disposition order guidelines to determine the final disposition status of the property. Property Control shall ultimately determine if the inventoried property should be returned to the owner. If such determination is made,

Property Control shall notify the owner via U.S. Mail. If an owner is listed on the *Disposition Order* and no pending forfeiture court action is listed in CCAP, the Property Control supervisor/designee shall return the listed property back to the listed owner, claimant or prisoner. There must be legal justification for not returning property to an owner/claimant or prisoner that the inventorying officer must substantiate.
(WILEAG 11.2.1.6)

- F. If the listed member is no longer a member of the department, commanding officers or their designee shall note that on the *Disposition Order* and determine if another member has knowledge regarding the evidence related to completing the *Disposition Order*. In the absence of another member with the necessary knowledge, commanding officers, their supervisor designees, or the commanding officer of Property Control shall make a determination as to the disposition of the property.
 - 1. *Disposition Orders* not completed by a member who resigns/retires will be assigned to the member's work location commanding officer.
 - 2. Instructions regarding obtaining *Disposition Orders* for a resigning or retiring member can be found in SOP 010 Absence.
- G. If evidence needs to be retained longer than the required appeal time or retention period, it is the responsibility of the listed officer to notify Property Control.
- H. The final authorization to release or dispose of inventoried evidence shall remain with the Property Control manager or designee. Consideration for disposal shall include expiration of the statute of limitations, the conviction of all persons responsible, the court case(s) are completed and that the appropriate appeal or retention time has been reached.

560.60 RETENTION OF PROPERTY SCHEDULE (WILEAG 11.1.2, 11.2.1)

A. STATUS CHANGE

The responsible member listed on the WinAce-Officer Drop inventory shall immediately advise Property Control of any changes in the status of property placed on inventory (e.g., responsible officer, court case numbers, warrant numbers, change in the category of property, evidence, safekeeping, if the property is still needed for prosecution, owner being identified).

B. SAFEKEEPING

- 1. Property inventoried as safekeeping with no known claimant is eligible for disposal after thirty (30) days. Property claimed by a finder with no known claimant will be held for six (6) months.
- 2. Unclaimed firearms and ammunition is eligible for disposal after twelve (12) months.
- 3. Dangerous materials, flammables, hazardous substances and devices will be disposed of immediately if their storage creates an undue hazard (Milwaukee City

Ordinance 105-122-1).
(WILEAG 11.2.1.5)

C. CONTRABAND

All contraband, unless taken as evidence, with the exception of firearms, is eligible for disposal after thirty (30) days, as authorized by city ordinance 105-122. To wit, "If property other than firearms or ammunition is seized by the chief of police and is not requested for evidence or investigation, and such property poses a danger to life or property in its storage, transportation or use or constitutes contraband, the chief of police may safely dispose of such property by any lawful means." Firearms are eligible for disposal after twelve (12) months.

D. NON-FELONY EVIDENCE (INCLUDES MISDEMEANORS AND MUNICIPAL OFFENSES)

1. The responsible department member shall receive yearly *Disposition Orders* to verify a "hold" status of the evidence.
2. The maximum retention period is three (3) years from the date of the offense for misdemeanor cases in which no suspect has been identified, or in which a suspect has been identified and a warrant has not been issued.
3. Evidence may be disposed of seven (7) months following the date of sentencing in misdemeanor cases if no appeal has been filed.
4. For municipal court cases, the retention period shall be seven (7) months from the date of conviction.
5. Photographing evidence is an alternative to retaining evidence; however, the work location shift commander shall approve this alternative.

E. FELONY EVIDENCE (EXCEPT HOMICIDE, SPECIFIC SEXUAL ASSAULT OFFENSES, AND BIOLOGICAL DNA)

1. The responsible department member shall receive yearly *Disposition Orders* to verify a "hold" status of evidence.
2. The maximum retention period is six (6) years from the date of the offense in felony cases, in which no suspect has been identified, or in cases in which a suspect has been identified, but a warrant has not been issued.

Note: Specific sexual assault offenses and homicides do not fall under the six (6) years retention period and are the exceptions. Members shall utilize the Wisconsin Coalition Against Sexual Assault, Inc. Statute of Limitations fact sheet in the Handbooks, Manuals, and How-To's link on the directives intranet to determine the retention period for sexual assault offenses.

3. Felony cases in which a suspect has been identified and a warrant has been issued, the evidence shall be retained until the warrant has been served and the case processed through the criminal justice system. Where a suspect has been charged and convicted, the evidence may be disposed of one (1) year following the date of sentencing if no appeal has been filed.
4. Time limitations on prosecutions (Wis. Stat. § 939.74) shall be taken into consideration in the disposal of evidence.

F. HOMICIDE AND SEXUAL ASSAULT EVIDENCE

All uncleared homicide and sexual assault evidence shall be retained indefinitely, where there is no statute of limitations. If the case is cleared by an arrest and the defendant(s) was sentenced, the evidence shall be retained until the defendant(s) is completely cleared of the criminal justice system or, has served his/her complete sentence, including probation, parole, or extended supervision.
(WILEAG 11.2.1.5)

G. DNA / BIOLOGICAL MATERIAL EVIDENCE

As mandated by Wis. Stat. § 968.205, evidence containing biological material collected in connection with an investigation that results in a criminal conviction, delinquency adjudication, or an equivalent commitment for mental defect, shall be retained until every convicted person has completed their entire sentence, including probation, parole or extended supervision.

H. SUICIDE EVIDENCE

Suicide evidence shall be retained for a period of one (1) year after the medical examiner's report ruling that the death was, in fact, a suicide. Work location commanders or supervisor designee shall authorize the release or destruction of said evidence.

I. OTHER DEATHS

Evidence related to deaths that are not from natural causes shall be retained for a minimum of three (3) years. The responsible district / investigations division commander or designee shall authorize the release or destruction of said evidence.

J. PROPERTY OF A DECEASED PERSON

A request for the release of a deceased person's property shall be referred to the responsible district / investigations division commander or designee for investigation and possible release of property.

K. EMERGENCY DETENTIONS

Property taken for safekeeping (not evidence of a crime) to support an emergency detention shall be held up to thirty (30) days and then returned to the rightful owner /

claimant or disposed of according to city ordinance and state statute.

L. OFFICER INVOLVED CRITICAL INCIDENTS

Officer involved critical incident evidence shall be retained for seven (7) years from the date of offense, for civil litigation purposes, unless otherwise authorized by either the city attorney's office or by Internal Affairs Division – Risk Management Civil Investigations Section.

M. MUTUAL AID INVESTIGATIONS

1. All evidence collected during mutual aid investigations (see SOP 230 Mutual Aid) shall be handled and inventoried in the same manner as any other evidence.
2. The release of mutual aid evidence recovered during a potential criminal investigation shall be coordinated through the Homicide Division commanding officer, or his/her designee, and the Property Control manager, or his/her designee.

560.65 RELEASE OF PROPERTY (WILEAG 11.1.7, 11.2.1, 11.2.4)

A. ORDER FOR PROPERTY (FORM PO-5)

1. No original or copy of a PO-5 shall be given to a citizen. The member releasing the property shall call Property Control and inform them of the property release if a citizen is to receive property requiring a PO-5. A copy of the PO-5 shall be faxed to extension 7069 or scanned and emailed to propertycontrol@milwaukee.gov. The original PO-5 shall be mailed via interdepartmental mail to Property Control.
 - a. Members shall make arrangements with Property Control for property viewing by attorneys or citizens, giving Property Control forty-eight (48) hours prior notice, by emailing propertycontrol@milwaukee.gov or calling extension 7547.
 - b. Property viewings, should generally take place Monday through Friday at the Property Control warehouse. A Property Control supervisor shall authorize the viewing of the property. An investigating detective or officer shall be present during the entire viewing.
2. A PO-5 is required under the following situations:
 - a. Releasing any evidence to an owner / claimant.
 - b. Releasing safekeeping property initially inventoried without a claimant listed.
 - c. The release of any non-disposable property from Property Control to a department member for any reason, including a viewing.
 - d. Releasing inventoried property to any non-MPD law enforcement officer.

3. A PO-5 is not required under the following situations:
 - a. When property is listed as safekeeping and ownership is listed on the WinAce-Officer Drop inventory.
 - b. When a completed *Disposition Order* with proper authorization permits the release or disposal of property held as evidence.
 - c. When property is directed to be returned by court order.
4. A PO-5 must clearly indicate the inventory number(s), item description, purpose of the release in the space provided and contain the legible signature of the commanding officer. Supervisory officers are not permitted to sign a PO-5 releasing inventoried property to themselves.
5. A valid government issued photo identification is required for the release of any property to its rightful owner or third party. The identification shall be photocopied. The property recipient shall sign a *Property Receipt* or PP-33 to acknowledge receiving the property. If the recipient refused to sign the receipt, the member shall write "refused" on the receipt. If the property release occurs at a work location other than Property Control, the releasing member shall notify Property Control by scanning the PP-33 and sending an email to propertycontrol@milwaukee.gov. A copy of all related paperwork shall then be faxed to Property Control. The original paperwork shall be sent via inter departmental mail to Property Control.
6. A third party with a valid government issued photo identification may pick up releasable property on behalf of a claimant, if the third party presents a notarized letter signed by the claimant that requests the department to release specific property to the named third party.
7. If there is any dispute as to the lawful owner or claimant, the property shall be held by the department until the court designates the proper person to receive such property.
8. No member of the department is authorized to seek the release of police inventoried property without the approval of his/her commanding officer or designee.
(WILEAG 11.2.1.5)
9. Inventoried property may not be viewed or checked out of the Property Control Division by anyone who is not employed by the Milwaukee Police Department without the approval of the Chief of Police, or his/her designee.

B. SAFEKEEPING/FOUND PROPERTY

1. When property is found and delivered to a member of the department, the member shall complete a *Property Receipt* (form PP-33) and provide it to the finder. Per Milwaukee City Ordinance 105-123, all such property with a finder shall be retained at Property Control for six (6) months if the owner is unknown or for a period of one (1) year if the owner is known. If the owner does not come forward to claim their

property, Property Control shall notify the finder of his/her right to claim the property by mailing a claim letter.

2. Department members shall attempt to determine ownership prior to inventorying property.
(WILEAG 11.2.1.6)
3. Property Control shall retain the property if ownership is undetermined until resolved by the courts or the property is deemed disposable.
4. If property ownership is determined by the investigating officer after the property has been inventoried and is going to be released to the owner, the member shall secure a signed *Order for Property* (form PO-5) from his/her shift commander. The *Order for Property* (form PO-5) shall be routed as previously outlined.

C. EVIDENCE – NARCOTICS RELATED CASES

A commanding officer or a supervisor designee shall review and authorize the release or destruction of the following:

1. Property dispositions related to controlled substances, prostitution, gambling investigations, and/or other investigations, which are no longer required as evidence may be returned to the rightful owner; provided ownership of said property is not disputed and the property is not considered contraband.
2. Any supervisor may release from Property Control controlled substance evidence that is required for a grand jury, John Doe proceeding, or for any other lawful purpose. However, if the purpose for the release is for an investigation, the reason shall be clearly stated on the *Order for Property* (form PO-5).
(WILEAG 11.2.1.5)

D. EVIDENCE – IN GENERAL

1. Work location commanders, their supervisor designee, or Property Control supervisors may release all evidence which is not related to a homicide or sexual assault investigation handled by the Criminal Investigation Bureau. Any items that are related to a homicide or sexual assault being investigated by the Criminal Investigation Bureau must be released by that respective location's commanding officer or supervisor designee.
2. Property Control supervisors may authorize the transfer of any evidence to members for presentation in court or for purposes of further investigation.
3. Work location commanders, their supervisor designees or Property Control supervisors shall review and authorize the release/destruction of evidence on all *Disposition Orders* (including those relating to controlled substances, gambling, and prostitution), except for felony investigations handled by any of the investigations divisions.

4. Work location commanders, their supervisor designee, or Property Control supervisors shall review and authorize the release/destruction of evidence on all sexual assault investigations and sexual assault related *Disposition Orders*, except for incidents investigated by the Sensitive Crimes Division.

E. RELEASE OF FIREARMS

1. Firearms on inventory may be released for return to a lawful owner/claimant who is not prohibited by federal or state law from possessing a firearm. Only the assistant chief, or inspector, of the Criminal Investigation Bureau may authorize the release of firearms with the exception of firearms reported stolen by another law enforcement agency (subsection 3).
2. All citizen firearm releases shall be processed through the Firearms Desk. Citizens inquiring about such a release shall be advised to call the Firearms Desk (414-935-7779), Monday through Friday, between the hours of 8:00 a.m. and 3:30 p.m.
3. Firearms recovered and inventoried by department members which have been reported stolen by another law enforcement agency shall be returned to the reporting agency upon the completion of an investigation and / or court proceedings with the authorization of the property control manager, or in his/her absence, the inspector of the Criminal Investigation Bureau.
4. All persons receiving a firearm shall have a valid government issued identification card (that will be photographed), and an appropriate case for transportation of the firearm, and shall sign a *Property Receipt*. No third party releases are permitted for the release of firearms unless authorized by the assistant chief, or inspector, of the Criminal Investigation Bureau.
(WILEAG 11.2.1.5)

560.70 ALCOHOL / ALCOHOL CONTAINERS (WILEAG 11.2.1)

- A. Photographs of alcohol and alcohol containers held for city and/or state charges shall be retained at Property Control according to the normal evidence retention schedule. Alcohol and alcohol containers shall not be retained at PCD.
(WILEAG 11.2.1.5)
- B. Do not seize coolers, beer kegs, tappers, CO2 tanks, hoses, etc. as there is no law prohibiting citizens from possessing these items unless they are taken as evidence.

560.75 ANIMALS

- A. When an animal is taken to a district station by a department member or brought into a district station by a citizen, a WinAce-Officer Drop inventory shall be completed in accordance with SOP 560 Property. A WinAce-Officer Drop inventory is not required if an animal is taken directly to Milwaukee Area Domestic Animal Control Commission (MADACC) from the retrieval location.
- B. Dead animals shall be picked up by the Sanitation Department (414-286-8282 #3). This

number can be called 24 hours a day, seven days per week. In cases of vehicle-killed deer, see SOP 060 Animals.

- C. In the event that the animal is considered evidence in a case, a photograph shall be taken before a final disposition is made.

560.80 BICYCLES, MOPEDS, AND MINI-BIKES

District stations shall maintain and process safekeeping bicycles, mopeds and mini-bikes with an engine size of 50cc or less in the following manner:

- A. All safekeeping bicycles shall be checked in NCIC for stolen/wanted status and checked for current registration in the city computer. A printout of the check shall be attached to the WinAce-Officer Drop inventory. The inventory shall be attached to the bicycle frame.
- B. Safekeeping bicycles, mopeds, and mini-bikes will be retained for thirty (30) days if ownership cannot be established. Property Control shall mail a claim letter to a known owner. The bicycle, moped, or mini-bike shall be retained for thirty (30) days from the date of the letter being mailed.
- C. Bicycles, mopeds, and mini bikes with 'finders' denoted on the WinAce-Officer Drop inventory shall be retained for six (6) months at which time a claim letter will be mailed to the finder by Property Control.
- D. Bicycles shall only be inventoried as evidence when essential to the prosecution of a crime. When practical, bicycles should be processed, photographed and inventoried as safekeeping. If a bicycle is needed as evidence, it shall be checked in NCIC for stolen/wanted status and the city computer for current registration. A printout of the check shall be attached to the WinAce-Officer Drop inventory.
- E. Prior to initiating the disposal process on an inventoried bicycle, moped or mini-bike NCIC shall be checked a second time by the designated Property Control bicycle officer for stolen/wanted status.
- F. All safekeeping bicycles, mopeds, and mini-bikes or parts thereof not returned to the lawful owner or claimant shall be maintained at each district station until picked up by Property Control, which shall occur within 72 hours of inventory.
- G. Property Control will dispose of all unclaimed bicycles not picked up by the owner, claimant or finder and shall be done expeditiously and in accordance with Milwaukee City Ordinance 102-11-6-7.
- H. District commanders that wish to donate a bicycle shall file a *Department Memorandum* to their respective assistant chief specifying the number of bicycle(s) needed and detail who will be receiving the bicycle(s). The Property Control manager will then provide the district commander with the number of bicycles requested.
- I. Bicycle disposal generated revenue will be deposited in the Milwaukee Police Department's Bicycle Equipment Special Purpose Fund in accordance with city

ordinance 304-25-5.

- J. A continuous supply of bicycles will be provided by Property Control to the Bicycle Gifting Program for the Chief of Police and the district commanders.

560.85 BICYCLE GIFTING (WILEAG 11.2.5)

- A. Any non-profit organization making a request for abandoned or unclaimed bicycle(s) shall submit their request through the Chief of Police or his or her designee, specifically the district commander.
- B. The non-profit agency is required to complete the Milwaukee Police Department *Gifting of Bicycles* form and the city of Milwaukee *Receipt of Donation* form and submit the forms to the district commander for review/approval. The forms can be found on the Property Control Intranet page.
- C. Upon a district commander's approval, the forms shall be forwarded to the respective assistant chief or designee for approval.
- D. Upon approval by the assistant chief or designee, the forms shall be electronically forwarded to the Property Control manager or designee.
- E. The Property Control commanding officer or supervisor designee shall determine the non-profit's qualification for the donation and the availability of the type and number of bicycles requested.
- F. Property Control shall submit the approved gifting forms to the Department of Administration by fax (935-5976) and retain a copy at Property Control.
- G. Upon receipt of approval by the Department of Administration, the Property Control supervisor will make notification to the district commander for coordination and dissemination.
- H. Property Control shall maintain records of gifted bicycles disseminated to district stations.
- I. Property Control maintains authority over the dissemination of gifted bicycles to district stations. The district stations are responsible for the transportation of the bicycles from Property Control.

560.90 FIREARMS INVENTORY (WILEAG 11.1.2, 11.2.1)

- A. The Firearm serial number shall be entered on the WinAce-Officer Drop inventory in the serial number section. If a serial number cannot be read, indicate that detail on the WinAce-Officer Drop inventory. The inventorying member shall list 'obliterated' or 'partially obliterated' on the WinAce-Officer Drop inventory if the serial number has been filed off or is partially illegible.
1. Firearms manufactured prior to the Gun Control Act of 1968 (generally .22 caliber

rifles and shotguns) may not have a serial number assigned. They are legal to possess and should not be confused with firearms described in "b".

2. Firearms with altered or obliterated serial numbers in any way are illegal to possess (Federal Firearms Statute 18 USC 922k). These are to be inventoried as evidence or contraband.
- B. All firearms shall be unloaded prior to being placed on inventory. If a firearm cannot be unloaded, this information shall be conveyed to the member's shift commander and documented on the original property inventory.
(WILEAG 11.2.1.5)
- C. Affix the permanently locking metal wire MPD seal and a paper tag through the trigger guard of the weapon and lock into place. In the event of a missing or broken trigger guard, loosen the handgrips or stock and affix the MPD seal and paper tag through the frame. Record the MPD seal number in the inventory description. Do not inscribe any firearm with any identifying marks, dates, initials or use any kind of tape on a firearm.
- D. Accessories are to be listed as a separate item number and on a separate line on the WinAce-Officer Drop inventory. It is not necessary to disassemble the accessories from the weapon. Examples of accessories include, but are not limited to, holsters, gun cases, boxes, extra magazines, bags, slings, removable scopes and/or sights. A magazine inserted in a firearm is not to be listed as a separate item.
- E. Firearms should remain in the box/case in which they were recovered. This box/case shall not be sealed. Firearms submitted under SOP 560.45 for forensic examination are exempt from this provision. Firearms shall not remain in holsters.
(WILEAG 11.2.1.5)
- F. The *Firearm's Report* (form PF-11) shall be included with the firearm and WinAce-Officer Drop inventory in the disbursement to Property Control. Property Control shall forward the *Firearm's Report* to the Fusion Division Firearm Desk.
- G. Firearm serial numbers shall be checked through the NCIC computer system for stolen status by the respective work location. The computer printout shall then be attached to the original WinAce-Officer Drop inventory.
- H. Members inventorying casings shall refer to the National Integrated Ballistics Information Network Program Standard Operating Instruction.
- I. All firearms, after being unloaded, shall be inventoried and stored in the work location storage safe within a secure property room.

Note: (For this section only) Toy guns, replicas, air guns, and starter pistols are not to be considered firearms.

560.95 HAZARDOUS MATERIALS (WILEAG 11.1.2, 11.2.1)

A. FIREWORKS

1. Fireworks shall be packaged separately from all other items.
2. Fireworks of size designation "M-80" (cylindrical, with a dimension of 5/8 inch by 1/2 inch) and above are considered hazardous devices, and as such, shall not be transported to, or stored in any department facility, including Property Control. The Hazardous Devices Unit shall be contacted to respond to the scene to take custody of such items and shall be responsible for inventorying, storing, and disposing such items.

B. HAZARDOUS MATERIALS

Any substances or combination of substances including any waste of a solid, semi-solid, liquid, or gaseous form which may cause to an increase in mortality; an increase in serious irreversible or incapacitating reversible illness; or which may pose a substantial present or potential hazard to human health or the environment because of quantity, concentration, or physical, chemical, or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers, or explosive as determined by the DNR.

Note: Members encountering any hazardous substances are reminded to follow the procedures indicated in the department's Emergency Response Manual - Annex R. Contact your shift commander before seizing any potentially hazardous material.
(WILEAG 11.2.1.5)

C. TRANSPORTATION

Only licensed contractors may legally transport or store hazardous substances [Wis. Stat. § 291.23 and 291.97(2)]. Therefore, hazardous substances shall not be transported to or stored in any department facility, including Property Control. Nonetheless, the Hazardous Devices Unit may transport hazardous devices in accordance with standard procedures.

D. CONTROLLED SUBSTANCE RELATED

In those cases where the substances present hazards in handling and/or storage, but appear to be components for the manufacture of controlled substances (e.g., acid and either for methamphetamines), those substances shall not be disturbed or removed from the scene until the member in charge at the scene contacts a HIDTA supervisor for guidance.
(WILEAG 11.2.1.5)

560.100 MONEY AND JEWELRY (WILEAG 11.2.1)

A. U.S. CURRENCY AND JEWELRY

1. Currency shall be packaged in an appropriately sized container, a clear plastic envelope if possible. It shall not be placed in the container in a rolled up or folded condition.

2. Only U.S. currency and coin is considered money and shall be inventoried separately from any other property, including property that is related. Each denomination shall be listed on a separate line of the WinAce-Officer Drop inventory. (WILEAG 11.2.1.5)
3. List U.S. currency serial numbers only when they are material to the case, e.g., drug "buy money" or plant money. If serial numbers are listed, they must be placed on separate lines of the WinAce-Officer Drop inventory.
 - a. "Buy money" shall be placed on a separate inventory from all other monies, clearly indicating it is "buy money" in the circumstances and listing.
 - b. The MPD shall be listed as the owner/claimant.
4. Inventoried monies, authentic gold and silver items, and other high value property shall be stored in the work location storage safe within a secure property room. (WILEAG 11.2.1.5)

B. RARE MONEY

1. Special U.S. bills, rare U.S. coins, and U.S. coins containing gold or silver shall be placed on a separate WinAce-Officer Drop inventory and described appropriately.
2. Only the face value of the money shall be entered in the \$\$\$ section and "Total Money Received" section on the WinAce-Officer Drop inventory.

C. FOREIGN MONIES

Foreign monies shall be inventoried and processed in the same manner as all other property. No value shall be assigned to such monies.

D. COUNTERFEIT / ALTERED U.S. MONIES

1. Counterfeit/altered U.S. monies shall be placed on inventory. No value shall be assigned to such monies, which shall be considered contraband unless documented as evidence in a criminal case.
2. All counterfeit/altered U.S. monies shall be placed in a plastic envelope to preserve future value as evidence. The department member shall submit a *Department Memorandum* detailing the circumstances of the seizure and the business or person(s) involved.
3. The member shall notify his/her shift commander and attempt to determine the origin of the counterfeit money. Any leads shall be forwarded to the Secret Service. An arrest can be made for state Theft by Fraud when counterfeit money is actually used in a transaction.
4. Under no circumstances shall counterfeit money be returned to either the merchant or the suspect. Counterfeit money is illegal to possess.

5. The U.S. Secret Service advises that they are available 24 hours at 297-3587 to assist in determining if money is counterfeit or genuine.

E. TREASURY BONDS / GOVERNMENT SECURITIES / TREASURY CHECKS

Treasury bonds/government securities shall be placed on inventory. No value shall be assigned. The department member receiving the property shall submit a *Department Memorandum* detailing the circumstances of the recovery.

F. FRAUDULENT CHECKS AND FINANCIAL TRANSACTION CARDS

Fraudulent checks and financial transaction cards shall be placed on inventory in a plastic envelope and are to be handled as little as possible (See SOP 410 Issue of Worthless Check).
(WILEAG 11.2.1.5)

560.105 PERISHABLE PROPERTY (WILEAG 11.1.3)

Perishable property coming into the possession of members of the department shall be inventoried and stored at the respective work location, however, photographing the item should be considered before seizing. If the district station does not have adequate facilities for storage, and the item(s) are needed as evidence, Property Control shall immediately be notified as to the best method of storing the property.

560.110 SAFES

- A. Members of the department shall immediately notify their shift commander upon locating an abandoned safe. The shift commander will notify the respective Criminal Investigation Bureau division supervisor who shall determine if a detective will assist in the investigation. The primary investigating member shall process the safe in the following manner:
 1. The safe shall be checked for fingerprints, a determination made as to whether or not a crime has been committed. Every effort shall be made to identify the owner.
 2. Photographs shall be taken of the safe.
 3. Any articles found inside the safe shall be placed on inventory.
- B. If the owner of the safe can be readily identified, he/she shall be called to the scene for positive identification. If the safe is not required as evidence, the owner, upon initial contact shall be instructed to make arrangements for its immediate removal. The investigating member assigned to the investigation shall have the owner sign a *Property Receipt* (Form PP-33).
- C. When ownership of a safe cannot be established, a teletype message describing the safe shall be sent to the Time System Control Center (TSCC).
- D. After the safe has been processed for evidentiary value, the investigating member shall

place it on inventory.

1. If the safe is excessively large and cannot be conveyed by the investigating member, the member shall contact Building and Fleet Operation (286-2751 or 286-2750) who will arrange for transportation of the safe to 2142 W. Canal Street (municipal garage) for storage.
 2. A copy of the inventory shall be affixed to the safe and the original inventory shall be placed inside the member's work location property locker, indicating the safe's location.
- E. The investigating member shall consult with their shift commander if the safe is locked to determine if an authorized locksmith shall be contacted to have the safe opened. Any contents discovered inside the safe shall be photographed and placed on inventory.
- F. The investigating member shall submit a *Department Memorandum* titled "Abandoned Safe" detailing the results of the investigation.
- G. The labeling of safes shall be performed in the following manner:
1. "Inspected by (member's initials)/ Agency- M.P.D."
 2. The date inspected.
 3. Inventory number.

560.115 VEHICLE REGISTRATION PLATES

Only registration plates required as evidence for a felony case shall be inventoried. All other registration plates that come into the possession of a department member shall be delivered to Property Control for disposal.

560.120 DEPARTMENT EQUIPMENT

- A. No department equipment shall be placed on a WinAce-Officer Drop inventory without the express permission of the Chief of Police.
- B. PROPERTY FOR DEPARTMENT USE
1. All members requesting disposable property for department use shall complete a *Department Memorandum* addressed to their commanding officer. Once approved by their commanding officer, the memorandum shall be forwarded to Property Control. Arrangements will be made to disburse the property when the property becomes available for disbursement.
 2. If the property is no longer needed or becomes unusable, the property shall be turned over to either Property Control or the Facility Services Division for disposal.

560.125 DISPOSAL OF INVENTORIED PROPERTY

All disposable inventoried property shall be disposed of by the Property Control Division, except as outlined under 560.95(A)(2).



EDWARD A. FLYNN
CHIEF OF POLICE

EAF:mfk



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

725 – CRIME SCENE INVESTIGATIONS

GENERAL ORDER: 2017-12
ISSUED: March 1, 2017

EFFECTIVE: March 1, 2017

REVIEWED/APPROVED BY:
Assistant Chief William Jessup
DATE: February 21, 2017

ACTION: Amends General Order 2014-116 (August 21, 2014)

WILEAG STANDARD(S): 6.3.3

725.00 PURPOSE

The actions taken by the patrol and investigative police members at any crime scene often determine the course and success of a criminal investigation. The purpose of this procedure is to ensure the efficient and effective management of criminal investigations by identifying the responsibilities of patrol and investigative components within the department.

725.05 POLICY

It is the policy of the Milwaukee Police Department that all police members understand and follow applicable procedures established herein to effectively protect, collect and preserve evidence of a crime, and conduct all essential investigative tasks at crime scenes.

725.10 DEFINITION

For purposes of this standard operating procedure, a major crime scene will be determined by a commanding officer or designee of the respective Criminal Investigation Bureau division.

725.15 INITIAL RESPONSE (WILEAG 6.3.3)

A. PATROL OFFICER RESPONSIBILITIES

First responding officers shall initiate the preliminary investigation and perform tasks designated below until otherwise directed by a higher ranking officer, investigator or another member of the police force specifically assigned to conduct the criminal investigation.

1. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.
2. Upon arrival, verify that a crime has been committed and relay essential information to the emergency communications operator II and to other responding officers. Members shall obtain this information, in part, by interviewing the victim(s) and/or witness(es) to obtain as much information as quickly as possible. While it is critical to gather this information as quickly as possible, members should consider

the emotional state of victim(s) and/or witness(es).
(WILEAG 6.3.3.2)

3. Administer first aid and/or activate the Emergency Medical Services (EMS) system. Take necessary steps to protect victims and others.
4. Whenever a member of the police force finds a dead human body, he/she shall promptly communicate that fact to the shift commander of the district in which the body is found. They shall never assume that such a body is dead, except where it is decapitated, decomposed, burned or otherwise obvious.
5. Arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of the victims and others against the safety of the public if the perpetrator were allowed to escape. Officers shall contact their shift commander to determine if district personnel or the respective investigative division will interview the suspect.
(WILEAG 6.3.3.2)
6. Establish a crime scene perimeter by use of tape, cones, etc. and secure the crime scene to the degree possible against contamination or loss of evidence.
(WILEAG 6.3.3.3)
7. Officers shall record any alterations made at the crime scene due to emergency assistance to victims, and any movement or handling of evidence by officers or citizens. Restrict the movement or handling of any dead body to that movement which is necessary for medical attention and scene safety.
(WILEAG 6.3.3.1)
8. To the extent possible, restrict all persons from the crime scene who are not directly involved in the investigation.
9. Officers shall obtain information about the suspect if not in custody and shall broadcast a description of the suspect(s), vehicles used, direction and mode of travel, as well as whether the suspect was armed with a firearm or other deadly weapon.
(WILEAG 6.3.3.2)
10. Officers shall attempt to identify any witnesses who are present at the crime scene and shall separate witnesses to the extent possible, to avoid tainting their recollection of the event. Every reasonable effort should be made to ensure that witnesses remain at the scene, to allow for a detailed interview by investigators or investigating officers.
(WILEAG 6.3.3.2)
 - a. The success of our investigations is dependent upon the support, trust and cooperation of our witnesses. While it is critical to gather information in a timely manner, the circumstances of an investigation and the emotional state of a witness should be considered and may occasionally necessitate that an interview be delayed.

11. Officers shall, as soon as practicable, notify their shift commander of details of their preliminary investigation so that a determination can be made, in consultation with the investigations division commander, as to the appropriate resources needed at the scene.
12. A canvass of nearby buildings shall be conducted, in an effort to locate additional witnesses. Officers shall note all addresses within the established perimeter and shall document the identities of all persons present within the buildings. A canvass of vehicles within the established perimeter shall also be conducted and their location, description, and identifying information shall be noted, including registered ownership information.
(WILEAG 6.3.3.2)
13. Officers shall conduct wanted checks of all witnesses, suspects and victims.
14. Officers shall record all conditions, events, and remarks at the scene. Officers shall document their investigation in their memorandum books as soon as practical. Notations must be accurate and complete, as they will serve as the memory of the investigating officer and assist him/her in completing his/her written reports. Pertinent information necessary may include: time of arrival, weather conditions, approximate time of offense, time offense was discovered, other officers present, etc.
(WILEAG 6.3.3.1)
15. All officers, having performed any tasks at a crime scene, shall file a written report detailing their activities prior to securing from duty. From time to time it may be necessary to file reports at a later date; however, this shall only be done with the approval of the supervisor in charge of the investigation.
(WILEAG 6.3.3.4)

B. PATROL SERGEANT RESPONSIBILITIES

1. A patrol sergeant arriving at the scene shall establish a command post, designate a safe entry route, and assess the need for additional officers.
2. The patrol sergeant is responsible for ensuring that the incident is stabilized as quickly as possible.
3. If not already completed, the patrol sergeant shall communicate the preliminary facts of the case to his/her shift commander, in order to facilitate the dispatch of appropriate investigative resources to the scene.
4. Ensure investigating police members have completed their responsibilities as detailed in 725.15(A).
5. When supervising a crime scene, a patrol sergeant shall limit crime scene access to only those persons who are involved in the investigation.

725.20 SCENE INVESTIGATION (WILEAG 6.3.3)**A. INVESTIGATOR RESPONSIBILITIES**

1. An investigator shall assume responsibility for oversight and completion of all crime scenes as defined by the commanding officer of the investigations division.
2. In the absence of a supervisor, the investigator shall have the authority and responsibility to establish priorities, document statements of witnesses and suspects, make decisions regarding witnesses and suspects and conduct all other activities relevant to a comprehensive investigation of the incident.
3. They shall ensure that a thorough investigation is conducted and any tasks that are not completed at the end of their tour of duty shall be documented as follow-up, in the manner prescribed by their work location. The task of completing follow-up may be delegated to other investigators; however, the overall responsibility for completion of the case rests with the initial investigator.
4. All investigators who conduct any relevant tasks at a crime scene shall document their results in a written report prior to securing from duty. From time to time, it may be necessary to complete reports at a later date; however, this shall only be done with the approval of a supervisor.
(WILEAG 6.3.3.4)
5. Investigators shall complete a *Crime Scene Sketch* (form PV-22) for all fatal and non-fatal shootings, suspicious deaths, or any other major crime scenes where a supervisor deems a crime scene sketch will assist in future investigative or prosecutorial action. Investigators shall forward the original *Crime Scene Sketch* to the Open Records Division – Imaging for scanning and attachment of the crime scene sketch into Intellinetics.
6. The primary supervisor shall ensure that an entry is detailed in the Criminal Investigation Bureau SharePoint site, providing a synopsis of the investigation, for all incidents as prescribed by the commanding officer of that investigative division.
7. In the event that an arrest is made or probable cause exists to make an arrest, the investigator shall ensure that all reports are collected and presented to a prosecutor for review, in a timely manner.

B. SUPERVISOR RESPONSIBILITIES

1. A supervisor shall assume responsibility for overall supervision of a crime scene as prescribed by the commanding officer of the investigations division.
2. The supervisor shall ensure that the incident is stabilized as quickly as possible, the appropriate perimeter has been established and evidence is properly protected.
3. The supervisor shall determine what resources are necessary and request those

resources through the incident commander (patrol sergeant).

4. The supervisor shall assign tasks to the investigators and other personnel as deemed necessary and shall liaison with personnel at the scene and other locations to ensure that relevant information is disseminated.
5. The supervisor shall file an entry in the Criminal Investigation Bureau SharePoint site, detailing the results of the investigation, for all crime scenes as prescribed by the commanding officer of that investigative division.
6. If media personnel are on scene and request information, the incident commander or designee shall provide information consistent with department protocol.

725.25 EVIDENCE COLLECTION (WILEAG 6.3.3)

A. INVESTIGATOR RESPONSIBILITIES

Investigators shall ensure that all evidence is safeguarded, photographed, measured, diagrammed and collected. The procedures shall conform to established laws and department guidelines. Investigators are responsible for maintaining the integrity of the crime scene(s) until the initial investigation is completed and are responsible for ensuring that the following tasks have been completed, when applicable to the investigation.

In the absence of an investigator, police officers investigating a crime scene shall be responsible for the same tasks.

1. When arriving at a scene, investigators shall liaison with the initial responding officer, or sergeant in charge of the scene, and obtain the preliminary information. They shall then ensure that the appropriate perimeter has been established and evidence is properly protected.
2. A limited walk-through of the crime scene shall be completed to determine the scope of the investigation. In an investigation where biological evidence may be present, all unnecessary personnel shall remain outside the inner perimeter, to avoid contamination of the scene.
3. At all crime scenes, an investigator shall be responsible for evidence collection. Only those persons necessary to the investigation shall enter the inner perimeter. (WILEAG 6.3.3.3)
4. Police officers, investigators, and forensic investigators may be required to wear protective clothing, to include gloves, foot coverings, protective suits and head coverings, to prevent cross contamination of evidence. The facts of the case and type of evidence to be collected will determine whether protective clothing is needed.
5. When investigating a death, the investigator shall take note of the location, position, condition and description of the body. Take note of injuries or trauma to

the body and the presence of any weapons or contraband on or near the body.

6. The medical examiner's office shall be notified for all death investigations and will be provided with all relevant information. Papers and other items found on the body shall generally remain with the body and shall be collected by an investigator from the medical examiner's office. The investigator shall note any papers or other property found on a dead body and any items that may constitute evidence shall be taken and inventoried, with the knowledge of the medical examiner's office.
7. Prior to moving and collecting any evidence, the investigator shall note the location, position and description of items and shall take reasonable steps to ensure that a diagram can be created if needed. Measurements shall be taken for all major crime scenes.
8. The crime scene and corresponding evidence shall be photographed prior to collection. The investigator is responsible for ensuring that the photographer is aware of the location of all evidence.
9. Photographs shall include overall, mid-range and close-up views of all evidence. Scales shall be used when photographing evidence such as blood spatter, tool marks, footprints and tire impressions. When appropriate, the crime scene may be video recorded.
10. The investigator shall examine the scene for the presence of biological evidence such as blood, hair, semen, etc. and shall cause the items to be collected in the manner consistent with current protocol established by the investigations division or the Forensics Division.
11. The scope of the crime scene processing is dictated by the seriousness of the crime and the resources available; however, every reasonable effort shall be made to recover evidence such as clothing, fibers, tools, weapons, casings and bullets. Items that may have been handled by suspect(s) shall be examined for the presence of fingerprints and when appropriate, those items shall be swabbed for DNA analysis.



EDWARD A. FLYNN
CHIEF OF POLICE



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

740 – FORENSIC EVIDENCE COLLECTION

GENERAL ORDER: 2017-24
ISSUED: April 18, 2017

EFFECTIVE: April 18, 2017

REVIEWED/APPROVED BY:
Assistant Chief William Jessup
DATE: March 31, 2017

ACTION: Amends General Order 2017-03 (January 4, 2017)

WILEAG STANDARD(S): 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.1.8, 11.2.1

740.00 PURPOSE

The purpose of this standard operating procedure is to establish guidelines regarding the collection, preservation, and documentation of forensic evidence and the utilization of forensic services. These duties include but are not limited to the following:

- providing photographic services for the department and other agencies,
- providing crime scene examinations in the area of evidence collection and latent print development;
- obtaining, comparing and identifying fingerprints from dead human bodies;
- identifying prisoners through fingerprint comparisons;
- retrieval and processing of forensic video evidence;
- processing and analysis of document evidence;
- comparison and identification of crime scene latent prints to known persons;
- providing testimony regarding forensic analysis or examination in court proceedings;
- records management regarding forensic services, criminal records, fingerprint databases, latent, mug shot and photographic evidence;
- retrieval of digital and computerized evidence.

740.05 GENERAL (WILEAG 11.1.1, 11.1.2, 11.1.5, 11.1.6, 11.1.7, 11.1.8)

A. TRAINING

The department will provide or authorize training regarding the detection, collection, preservation and documentation of physical, DNA, and computer / electronic evidence in conformity to established laws and department guidelines. Specialized training will be provided for crime scene trained (CST) officers, community service officers, forensic investigators, and other personnel assigned to the Forensics Division and High Technology Unit. Updated training will be provided as necessary.
(WILEAG 11.1.5.4, 11.1.6.4)

B. AVAILABILITY

Forensic services by trained forensic investigators, community service officers, and/or CST officers shall be accessible for 24 hours/7 days a week.

- C. First responders and investigators shall safeguard the integrity of the scene and relevant physical, DNA, and computer / electronic evidence in accordance with SOP 725 Crime Scene Investigations.
(WILEAG 11.1.5.1, 11.1.6.1)

1. All firearms shall be unloaded prior to being transported, placed on inventory, or submitted for processing. The member shall provide a copy of the *Milwaukee Police Department Firearm Report* (form PF-11) with the firearm submitted for processing.
(WILEAG 11.2.1.5)

D. EVIDENCE COLLECTION AND PRESERVATION

Evidence collected from a scene shall be packaged in such a way as to safeguard the integrity of the evidence, and prevent damage and contamination. Evidence shall subsequently be placed on inventory in accordance with SOP's 560 and 725.
(WILEAG 11.2.1.4)

1. Biological / DNA evidence shall be dried and individually packaged in paper bags or other "breathable" material. Plastic or other airtight materials/containers shall not be utilized as they may retain moisture and damage evidence.
(WILEAG 11.1.5.2)
2. Forensic investigators are responsible for inventorying items of evidence that they collect (e.g., latent lifts, DNA swabs, footwear impressions).

E. EVIDENCE INVENTORY AND TRANSFER

In order to maintain an effective chain of custody, all evidence submitted for analysis shall be properly inventoried prior to processing. Any additional property transfers shall be documented on the property inventory in accordance with SOP 560.
(WILEAG 11.1.5.2, 11.1.8.4)

F. DOCUMENTATION

An incident report, supplementary report or department memorandum shall be completed documenting relevant details regarding the detection, collection, preservation and documentation of physical and electronic evidence. Documentation regarding the transfer of custody of physical evidence shall include the date and time of transfer, name of person transferring property, name/title/agency of person receiving property, laboratory name and location (if applicable), reason for the transfer, if any processing is required, and a brief synopsis of the case.

The investigating officer or detective shall document the name and PeopleSoft number of the member taking photographs of the scene, including the number of photographs and the date and time the photographs were taken.

740.10 FORENSIC IMAGING LAB / PHOTOGRAPHIC EVIDENCE (WILEAG 11.1.3)**A. CARE AND MAINTENANCE OF EQUIPMENT**

All crime scene trained and sergeant digital cameras shall be maintained by the respective work locations.

1. Work location supervisors shall conduct periodic inspections of the cameras for serviceability. When a camera is found to be defective, the camera shall be conveyed to the Forensics Division for service. An investigation shall be initiated if negligence is involved.
2. Prior to using the camera, members shall inspect it for serviceability and shall immediately report any problems with the camera to his/her shift commander or shift supervisor.
3. Commanding officers at each work location shall be responsible for the retention and distribution of digital camera(s) assigned to their respective work locations.

B. IMAGE / PHOTOGRAPHIC STORAGE

Original images shall be transferred in an unaltered state to suitable media. All images shall be stored and maintained by the Forensics Division.

C. TRANSMITTAL PROCEDURE

1. All images are to be placed in the PP-45 CD-R and submitted to the Forensics Division for storage.
2. Transmittal envelope
 - a. All members not assigned to the Forensics Division shall utilize the plastic transmittal envelope assigned to their work location to submit images to the Forensics Division.
 - b. The *Photographic Disbursement Log* (form PP-53) listing all of the PP-45 CD-R envelopes being submitted must accompany the envelopes.
 - c. Forensics Division personnel shall sign the PP-53 and take custody of all images contained in the transmittal envelope after verifying that all PP-45 CD-R envelopes on the log sheet are accounted for. The transmittal envelope may then be returned to the work location.

D. PHOTO REQUESTS

1. Request for photographs by department members shall be made utilizing the *Request for Scene Photos* form (PR-18) and submitted to the Forensics Division.
2. All other requests for photographs must be made following existing open records

procedures.

740.15 SCENE AND INCIDENT PHOTOGRAPHY (WILEAG 11.1.3)

A. REQUEST FOR SERVICES FROM FORENSICS DIVISION PERSONNEL

1. Officers shall contact their shift commander or on-scene supervisor to request a forensic investigator to the scene.
2. Detectives shall contact the citywide emergency communications operator II to request a forensic investigator to the scene.
3. The Technical Communications Division shall classify the request for a forensic investigator in accordance with the priority level of the original call for service (e.g., if the original call for service was a priority three assignment, the request for a forensic investigator shall be classified as a priority three assignment).

B. TYPES OF INCIDENTS - RESPONSIBILITIES

1. Forensics Division

Forensics Division personnel shall photograph major crime scenes, fatal accidents, etc. and may be requested when more sophisticated photography skills and equipment are needed. They may also be requested when a supervisor or other authorized member is not available to photograph an incident.

2. Sergeants and Other Supervisors

Sergeants and other authorized supervisors shall photograph the following incidents:

- a. Property damage traffic accidents involving city-owned vehicles.
- b. Scenes at which forced entry by department members resulted in property damage.
- c. District level internal investigations or use of force complaints.
- d. Those scenes in which a department owned camera can adequately document the pertinent information.

3. Crime Scene Trained Officers (CST) and Community Service Officers

District CST's and community service officers have been trained to assist officers in the processing of certain crime scenes as they have received limited specialized training in crime scene photography, processing, and DNA collection. However, a CST or community service officer does not replace a forensic investigator in those situations where the nature of the investigation requires more specialized training and equipment. In addition, sergeants are still required by SOP to take certain

photographs; a CST or community service officer cannot take the photographs that SOP requires of sergeants.

a. CST's, community service officers, or on scene supervisors should be utilized to photograph scenes in which the CST or community service officer assigned camera can adequately document the pertinent information in accordance with departmental training and guidelines.

1. Absent special circumstances, a forensic investigator will not respond to photograph death investigations in which the following circumstances exist:

a. Non-suspicious death of an individual under long-term medical treatment in a facility (e.g., nursing home, hospital).

b. Non-suspicious death following facility-based or in-home hospice care.

c. Non-suspicious death of an adult over 65.

b. A CST officer or community service officer should not be utilized to process any firearms or any extensive crime scene requiring specialized evidence collection (e.g., footwear, chemical processes). All firearms shall be processed at the Forensics Division.

4. District Stations and Other Work Locations

Supervisors shall authorize the use of a digital camera to include, but not limited to, scenes in which the camera can adequately document the pertinent information in accordance with departmental training and guidelines.

C. IMAGES TO BE TAKEN

1. In an effort to accurately depict the details and locations of pertinent evidence and crime scenes the following photographs should be taken:

a. Close Up

Photo taken within six to twelve inches of person/object to depict details of the person/object.

b. Mid-Range

Photo taken of entire person/object to depict the overall view of person/object for identification purposes.

c. Overall Scene

Panoramic photo taken of a scene from multiple vantage points to depict spatial relationship of persons/objects within a scene.

2. Review images at the scene

Digital images shall be reviewed prior to leaving the scene. In the event the images do not adequately depict the necessary detail, are blurred or are otherwise of poor quality, the images shall be retaken. No images shall be deleted from the camera.

3. Document all photographs

All department members who photograph an incident shall complete a *Photographic Assignment* envelope (PP-45 CD-R). All relevant information must be noted on the reports, which shall be reviewed by a work location supervisor.

- a. Complete the narrative portion of the PP-45 CD-R, providing a brief summary of the photographs that were taken.
- b. In order to indicate the end of an incident the final photograph shall be of a completed *Photographic Record Sheet* (PP-52) or PP-45 CD-R.
- c. Each CD-R shall be reviewed to ensure the images were properly recorded on the CD-R.

D. VIDEO

Crime scene and/or items of evidence can be video recorded by a forensic investigator to document the crime scene and/or the location of evidence found to produce a permanent record. Video shall be taken in a manner consistent with training. Information pertaining to all video, including the date, time, location and the incident number, shall be included on a PP-52 at the end of the video recording. The recorded video shall be transferred onto a media storage device (e.g., DV-R, CD) and that device shall later be processed into evidence and inventoried by the investigating officer/detective.

740.20 LATENT PRINT COLLECTION (WILEAG 11.1.4, 11.1.7)

Latent print processing is intended to develop hidden or invisible fingerprint impressions. This processing is intended to establish an individualized forensic linkage or exclusion between suspects, victims, witnesses, and physical evidence through the collection and examination of latent fingerprint evidence. These duties shall be performed by authorized personnel, in conformity to established laws, and department guidelines.

- A. Fingerprints shall be processed, developed, lifted, labeled, and stored in a manner consistent with basic and specialized training and in accordance with the Department of Justice *Physical Evidence Handbook*, which is located on the directives intranet homepage under Handbooks, Manuals, and How-To's.

B. ON-SCENE PROCESSING

1. Members shall request a CST officer, community service officer, or with supervisory approval, a forensic investigator during any investigation that requires

the processing of a scene for latent fingerprints.

CST and community service officers shall be utilized at scenes in accordance with 740.15(B)(3).

2. A *Forensics Division Case Folder* (PE-13) must be completed and a forensic case number must be assigned to all cases regarding latent print collection regardless of positive or negative results.

C. COUNTER CASE

1. Portable items of evidence, as defined in SOP 560.10, that have not been processed at a crime scene may be submitted to the Forensics Division for examination in accordance with the procedures listed herein.
2. Property shall be transferred on a property inventory to personnel assigned to the Forensics Division for processing.
3. A *Forensics Division Case Folder* (PE-13) must be completed and a forensic case number must be assigned to all cases regarding latent print collection regardless of positive or negative results.
4. When all forensic processing is completed, all items of evidence shall be secured at the Forensics Division until it can be properly transferred to the custody of the Property Control Division.

D. LATENT PRINT EXAMINATION

1. All latent cases with actual latent print evidence shall be evaluated by a latent print examiner or chief latent print examiner in order to determine the quality of the lifts. Lifts may then be compared manually and/or processed utilizing the departmental Automated Fingerprint Identification System (AFIS).
2. Latent cases shall be retained by the Forensics Division in accordance with departmental record retention schedules.
3. In accordance with state and federal open records and discovery laws, defense attorneys may be allowed to have their own experts review latent fingerprint evidence provided it has been approved by the district attorney's office or by court order. All latent fingerprint evidence to be subjected to external examination shall remain in the custody of the Milwaukee Police Department. This evidence is not to be removed by or released to defense experts for review. Defense experts are allowed to conduct forensic examinations on departmental premises by appointment only.

740.25 DNA and BIOLOGICAL MATERIALS (WILEAG 11.1.5)

DNA processing is intended to collect visible or trace biological samples. This processing is intended to establish an individualized forensic linkage or exclusion between suspects, victims, witnesses, and physical evidence through the collection and examination of

various forms of biological material, including but not limited to, blood, sweat, saliva, semen, and other biological materials. These duties shall be performed by authorized personnel, in conformity to established laws and department guidelines.
(WILEAG 11.1.5.2)

A. DETECTION

1. It is imperative that members closely examine all scenes and pertinent items for the presence of biological evidence. Members should take care to protect against destruction and/or contamination of biological materials.
 - a. Consideration should be taken to determine the most likely location of DNA evidence by asking the following questions:
 1. Which items were likely touched or handled?
 2. Is there a visible biological sample (blood, saliva, semen)?
 3. Where are the points of entry or exit?
 4. What are the points of obvious disturbance or attack?
 5. What items are conducive to yielding individualized DNA evidence?
 - a. Surface types (e.g., porous, non-porous, semi-porous)
 - b. Surface condition (e.g., wet, dirty).
 - c. Contamination/co-mingled (available to public vs. personal item)
(WILEAG 11.1.5.1)
2. The Forensics Division does not accept items of clothing/fabric or casings for DNA processing. These items must be submitted directly to the Wisconsin State Crime Lab for analysis.
(WILEAG 11.1.5.3)

740.30 OTHER FORENSIC EVIDENCE AND SERVICES

Forensic investigators assist with the collection of various forms of forensic evidence, including but not limited to the following:

- Trace evidence collection (e.g., hairs, fibers, glass fragments, soil).
- Tool, tire and footwear impressions.
- Prisoner fingerprint identification and classification.
- Identification of unknown/deceased persons through fingerprint comparisons.
- Presumptive testing (human blood).
- Trajectory marking.

740.35 TRANSMITTAL OF EVIDENCE TO OUTSIDE AGENCY (WILEAG 11.1.8)

With the exception of the analysis listed herein, the Milwaukee Police Department does not provide scientific analysis of physical evidence. Request for these levels of analysis must be submitted to a qualified external agency, such as the Wisconsin State Crime Lab or other processing agency, in accordance with SOP 560.

740.40 SCENE RECOVERY OF SURVEILLANCE VIDEO EVIDENCE**A. ON-SCENE RETRIEVAL/CAPTURE**

1. A forensic investigator or forensic video examiner may be authorized to respond to a scene to retrieve video. The onus will be upon the investigator to properly inventory the evidence. Request for these services shall be made utilizing a *Forensic Video Request* form (PI-60).
2. In the event that the forensic video examiner responds to a location independent of the investigating officer, the investigator will be notified of the retrieval and the forensic video examiner will inventory the evidence.

B. THIRD PARTY RECOVERY

Video evidence retrieved or recovered by a third party (e.g., investigating officer, property owner or business employee) may be submitted for analysis. These items must be placed on inventory.

740.45 IN-HOUSE/COUNTER CASE VIDEO REQUEST**A. REQUEST FORM**

Members requesting in-house forensic video analysis (enhancements, still images, or format conversions) shall complete a *Forensic Video Request* form (PI-60). The form and the original video evidence shall then be submitted to the Forensics Division.

B. CHAIN OF CUSTODY

In order to maintain chain of custody, all video evidence submitted for analysis shall be properly inventoried prior to submission for processing. Any additional property transfers shall be documented on the property inventory.

C. MEDIA RELEASES

A forensic video examiner may prepare video images intended for public release to media outlets for the purpose of clarification of events, identification or location of relevant individuals. These files will be released at the approval of the Chief of Police.

D. NOTIFICATION OF COMPLETION

Upon completion of the forensic video analysis, the forensic investigator or forensic video examiner shall notify the requesting investigator.

The finished product and any original video evidence not initially turned over to the investigating member shall be inventoried and secured at the Property Control Division.

E. OTHER REQUESTS

All other requests for forensic video images must be made following existing open records procedures.

740.50 COMPUTER / ELECTRONIC EVIDENCE (WILEAG 11.1.6)

Digital evidence is evidence which is contained within any form of magnetic or electronic media, which can include, but is not limited to, hard drives, USB drives, compact discs (CD), digital versatile discs (DVD), floppy disks, Zip disks, flash memory cards, magnetic tape, secure digital (SD) cards, digital cameras, cellular phones, global positioning systems (GPS), digital audio recorders, personal data assistants (PDA), etc. Members shall use caution when they seize electronic devices as improperly accessing data stored on electronic devices may violate federal and/or state laws. In addition to the legal ramifications of improperly accessing data that is stored on a computer, members must understand that computer data and other digital evidence are fragile and easily altered. Only properly trained members shall attempt to examine and analyze digital evidence. Members shall contact the High Technology Unit through their shift commander for assistance if they have questions or concerns related to the recovery of any computer / electronic evidence.

A. FIRST RESPONDER RESPONSIBILITIES AND PRECAUTIONS

1. Investigators are responsible for maintaining the integrity of the crime scene. This responsibility starts with the first officer(s) on scene.
2. Members shall ensure that no unauthorized person(s) has access to any electronic devices at the crime scene, and shall refuse all offers of help or technical assistance from any unauthorized persons.
3. Members shall remove any persons from the crime scene or the immediate area from which evidence is to be collected.
4. Members shall ensure that the condition of any electronic device is not altered.
5. Members shall leave a computer or electronic device off if it is already turned off.
 - a. Members shall have photographs of the computer screen taken as necessary if the computer is already on. However, members shall not attempt to access any computer files if the computer is on.
6. Members shall collect all power supplies and adapters associated with any electronic devices seized.
7. Members shall document the scene prior to securing electronic evidence and have

photographs taken as necessary. Members shall document the entire location, including the type, location, and position of computers, their components and peripheral equipment, and other electronic devices.
(WILEAG 11.1.6.1, 11.1.6.2)

740.55 COLLECTION OF COMPUTER / ELECTRONIC EVIDENCE (WILEAG 11.1.6)

- A. Members shall ensure that all digital evidence is documented and photographed (if necessary) before it is packaged and inventoried.
- B. Members shall package all digital evidence in antistatic packaging. Only paper bags and envelopes, cardboard boxes, and antistatic containers should be used for packaging digital evidence. Plastic materials shall not be used when collecting and storing digital evidence.
- C. Members shall ensure all digital evidence is packaged in a manner that will prevent it from being bent, scratched, or otherwise deformed.
- D. Members need to remove the power source from electronic devices that are in an "on" state. Desktop computers should have the power cord pulled from the back of the computer. Laptops and mobile computers should also have the battery removed and then the power cords removed (if applicable). Cell phones should be placed into "airplane mode" prior to removing the battery.
- E. Members shall collect all power supplies and adapters for all electronic devices seized.
(WILEAG 11.1.6.1, 11.1.6.2)

740.60 TRANSPORTATION AND STORAGE OF COMPUTER / ELECTRONIC EVIDENCE (WILEAG 11.1.6, 11.1.7)

- A. Members shall keep digital evidence away from magnetic fields such as those produced by radio transmitters and speaker magnets.
- B. Members should avoid keeping digital evidence in a squad car for prolonged periods of time. Heat, cold, and humidity can damage or destroy digital evidence.
- C. Members shall ensure that computers and electronic evidence are packaged and secured during transportation to prevent damage.
- D. Members shall inventory all computer / electronic evidence in accordance with SOP 560.
(WILEAG 11.1.6.2)

740.65 SUBMISSION OF COMPUTER / ELECTRONIC EVIDENCE TO HIGH TECHNOLOGY UNIT FOR ANALYSIS (WILEAG 11.1.6)

- A. Electronic evidence requiring analysis shall be submitted to the High Technology Unit. Requests for service by the High Technology Unit shall include the following:

1. Members shall submit electronic evidence for analysis by utilizing the online analysis request on the High Technology Unit's Share Point page.
 2. One copy of all property inventories related to the evidence submitted for analysis.
 3. A search warrant is required and must include appropriate language that specifically allows for the examination of the digital evidence submitted. Other forms of legal authority, such as written consent signed by the owner, usage agreement, or documented company policies, shall be acceptable. Oral consent is acceptable, but it must be documented.
 4. More information regarding the submission of electronic evidence can be found in the High Technology Unit's Request for Analysis Manual, which is also located on the High Technology Unit's Share Point page.
- B. All computer components, peripherals, or other electronic evidence that is necessary to support a criminal case in court shall be seized. The seized property shall be fingerprinted and/or DNA processed if applicable, prior to requesting analysis by the High Technology Unit.
- C. The High Technology Unit will not accept keyboards, mice, monitors, printers, scanners, web cams, etc., which do not normally contain electronic evidence.
(WILEAG 11.1.6.3)



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CHIEF OF POLICE

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